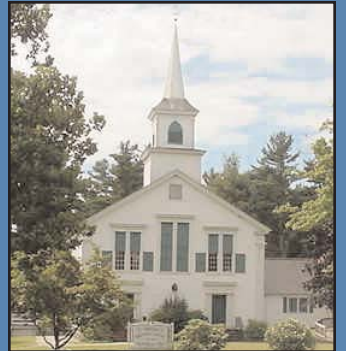


Town of Lakeville Affordable Housing Plan Planned Production Strategy

Final Report
February 2004

*In the future, Lakeville will
continue to be a small semi-rural
community with great natural and scenic beauty. The Town will
work to protect open land of scenic, cultural and ecological impor-
tance, safeguard its natural resources,
provide housing opportunities and
community services for people of
all generations, and support local and low-impact businesses.*

*- Excerpts from Lakeville's
Vision for the Future*



Lakeville Master Plan Committee and Planned Production Plan Subcommittee

Prepared with assistance from:
Daylor Consulting Group, Inc.

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Figure 1: Housing Suitability/Action Map

Appendix A: Deed Restriction Language

1. INTRODUCTION

This Plan is submitted to comply with DHCD's Planned Production Regulations, MGL 7650 CMR31.07(1)(i). It is based on the Town of Lakeville's 2004 Master Plan that will be completed in the spring of 2004. It has benefited from numerous public meetings, surveys, and other methods of public feedback that were directly associated with the Master Plan process. The plan was guided by the hard work of the Master Plan Committee and the Planned Production Plan Subcommittee. The Plan is organized according to the structure and content outlined in the Planned Production Guidelines

1.1 Methodology

The Housing Element reflects input from a wide variety of sources. The primary mechanism used to gather input for the Housing Element was one public workshop, widely advertised throughout the community. Numerous Lakeville citizens and other interested individuals attended and provided comments on issues related to the Housing Element. The Lakeville Planning Staff and the newly appointed Affordable Housing Task Force also reviewed and provided comments on proposed Housing Element policies and programs.

In addition, the research conducted as part of the Housing Element preparation process involved interviews with numerous staff from the Town of Lakeville and various social service agencies that serve the community. Other sources of information included: (1) demographic data from the U.S. Census, the State Data Center (MISER), and Claritas – a private demographic service; (2) housing data provided by the Town of Lakeville and the Warren Information Group; and (3) employment information from the Massachusetts Department of Employment and Training.

1.2 Report Organization

Following the Introduction in Chapter 1, Chapter 2 of assesses housing demand in Lakeville, including identification of the housing needs of very-low, low, and moderate income households and individuals. Key findings influencing the development of the town's affordable housing goals are in bold type and policy implications resulting from the presented data are presented in 'Policy Boxes'. These key findings and policy implications are directly linked to the housing goals and the subsequent strategies that are recommended to meet those goals. Chapter 3 goes on to provide specific estimates of housing need and barriers to providing affordable housing. Chapter 4 presents affordable housing strategies developed during the Master Planning process discussed above. Chapter 5 highlights specific strategies designed to help the Town of Lakeville achieve its housing goals.

2. HOUSING NEEDS ASSESSMENT

The Housing Needs Assessment provides insight into the nature of Lakeville's affordable housing needs by examining: (1) local area demographics; (2) characteristics of Lakeville's existing housing supply; (3) housing market activity; (4) housing costs and affordability; (4) housing needs; (5) existing subsidized housing; (5) affordable housing programs and organizations; and (6) permitting regulations.

2.1 Local Area Demographics

This demographic profile provides an overview of Lakeville's population and household growth, as well as social characteristics of the town's population, including household composition, age, and income. This information is relevant for determining future housing trends in Lakeville and how they may affect growth and the need for housing, public facilities, and services.

While the focus of the demographic profile is on Lakeville, regional, and statewide data are provided for the purpose of comparison. In some instances, information for adjacent communities is also included so that a sense of Lakeville's role in the region may be established. Lakeville is a member of the Southeastern Regional Planning and Economic Development District (SRPEDD). The SRPEDD area is comprised of 27 cities and towns. Lakeville's neighboring communities include Berkley, Fall River, Freetown, Middleborough, Raynham, and Rochester.

2.1.1 Population and Growth

Table 2-1 compares Lakeville's population trends to those of the region. In the past three decades, Lakeville's population has grown at a significantly faster rate than the region, and this trend is projected to continue. The 2000 population in Lakeville was 9,821, an increase of 2,036 people or 26% since 1990. In comparison, the region grew by only 6% during that time period. The communities within the region that experienced the highest growth rate during the 1990s were Berkley (36%), Mansfield (35%), Lakeville (26%), and Norton (26%). Populations decreased in New Bedford (-6%), Fall River (-1%), and Freetown (-1%). According to SRPEDD projections, Lakeville's population is forecasted to grow by approximately 3,900 people, or 40%, between 2000 and 2020. During that time period, the region's population is projected to increase by only 15%. The population of Lakeville at "full buildout" is projected to be 17,329 or 7,508 over the 2000 estimate. **The projected buildout population translates to a total of 2,704 additional dwelling units or a grand total of 6,366 dwelling units** (2,704 additional buildout units plus 3,662 dwelling units as of 2000). This number will come into play in Section 2.7.3 during the discussion of 40B housing goals. This buildout number illustrates the total potential for future growth in Lakeville based upon the town's existing zoning laws.

Policy Implications

Lakeville's rapidly increasing population highlights the need for a comprehensive housing policy that will succeed in providing housing opportunities for all. It will not be enough to use specific sites to provide housing, while the single-family housing stock continues to increase. Inclusionary/incentive-based housing policies should be considered.

Table 2-1
Population Count and Projections for Lakeville and the Region, 1970-2020

Year	Lakeville Population	Change From Previous	SRPEDD Region Population	Change From Previous
1970	4,376	--	478,728	--
1980	5,931	36%	524,389	10%
1990	7,785	31%	563,130	7%
2000	9,821	26%	597,294	6%
2010 (projected)	11,771	20%	641,166	7%
2020 (projected)	13,720	17%	684,053	7%
Buildout	17,329	26%	Not Available	Not Available

Sources: U.S. Census Bureau 1970-2000; SRPEDD.

2.1.2 Households

As illustrated in **Table 2-2**, the number of households in Lakeville increased from 2,604 in 1990 to 3,292 in 2000, an increase of 688 households or approximately 26%. In addition, the number of Lakeville households increased by over 40% between 1980 and 2000. Over the past several decades the average household size has been on the decline at the regional, state, and national level. Lakeville's experience is not consistent with these trends, as the average family size increased from 2.90 in 1990 to 2.91 in 2000. **Furthermore, the town's average household size (2.91) was significantly higher than the average for both the region (2.60) and the state (2.51).** The large and growing household size in Lakeville could be the result of the limited number of alternatives to single family homes available in the town. New housing development consists almost exclusively of single-family dwellings on large lots. These houses tend to attract families with children.

Table 2-2
Number of Households in Lakeville, 1990-2025

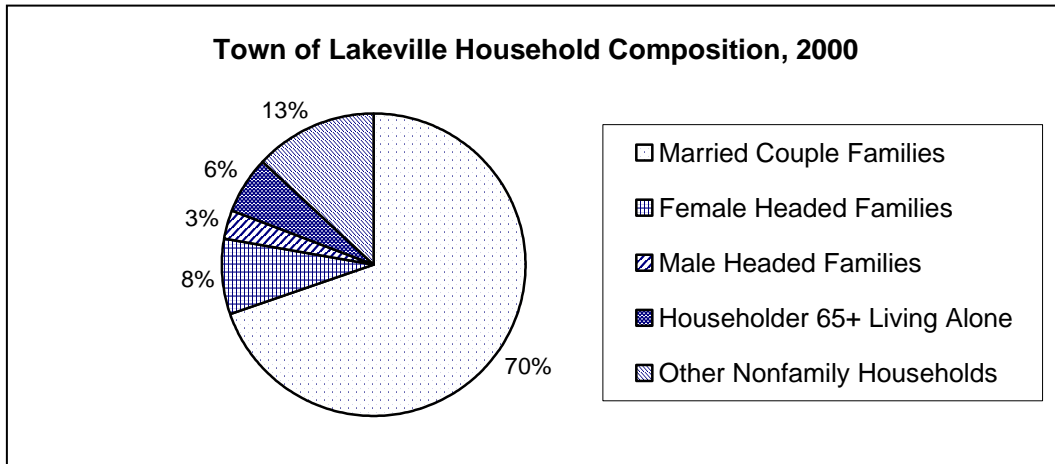
Year	Lakeville Households	Change From Previous
1990	2,604	--
2000	3,292	26%
2010 (projected)	4,135	26%
2020 (projected)	4,838	17%
2025 (projected)	5,190	7%

Sources: U.S. Census Bureau 1970-2000; SRPEDD.

2.1.3 Household Composition

See **Figure 2-1** for a summary of households by type. **This figure shows that Lakeville has a higher proportion of family households (versus non-family households) than is typical for the region or the state.** This can be attributed to a local housing stock that provides mainly single-family housing that tends to attract families with children.

Figure 2-1



Policy Implications

Lakeville's predominance of single-family homes is a barrier to certain population groups such as seniors and singles. Lakeville's housing strategy should explicitly provide for various types of housing other than single-family residential.

2.1.4 Age Characteristics

Tables 2-3 and Table 2-4, on the following page, provide a breakdown of Lakeville's current and projected population by age group. **The most substantial population growth in Lakeville has been among the oldest and youngest age groups.** The age groups that grew faster than the town as a whole during the 1990s include the 45 to 64 year old age group (59% increase), the 65+ age group (32% increase), and the under 5 age group (30% increase). The median age for Lakeville in 2000 was 37.8 years as compared to 36.8 years for Plymouth County and 36.5 years for the state. These dramatic increases in the older and youngest age groups will have an impact on the level and types of services the town will need to provide in the future. For example, as the town continues to grow and as the youngest age group matures, school enrollments are likely to increase.

Table 2-3
Age Distribution, 1990-2000

Age	1990		2000		1990 –2000 Change	
	Persons	Percent	Persons	Percent	Persons	Percent
Under 5	577	7%	751	8%	174	30%
5-19	1,818	23%	2,162	22%	344	19%
20-24	326	4%	346	4%	20	6%
25-44	2,712	35%	3,051	31%	339	13%
45-64	1,508	19%	2,401	24%	893	59%
65 & over	844	11%	1,110	11%	266	32%
Total	7,785	100%	9,821	100%	2,036	26%

Sources: U.S. Census Bureau 1990 and 2000.

According to population forecasts by the Metropolitan Area Planning Council (MAPC) shown in **Table 2-4**, the number of persons aged 65 and older in Lakeville is projected to increase by 2,899 people and to comprise 30% of the town's total population by the year 2020. The 25 to 44 year old group is projected to decline, comprising only 15% of the town's population by 2020. The number of people aged 5 to 19 is expected to increase modestly, although this age group will represent a smaller proportion of the town's overall population by 2020. The future population projections illustrate the fluctuations in the age breakdown as the various generations age. These projections also indicate that the school-aged population, as a percentage of the total population, will not necessarily follow a continual rapid upward trend in the long-term. **The projections also indicate that the elderly population will continue to increase rapidly, with a commensurate increase in the demand for housing and services for senior citizens.**

Table 2-4
Age Distribution Projections, 2000-2020

Age	2000		2020 Projection		2000 - 2020 Change	
	Persons	Percent	Persons	Percent	Persons	Percent
Under 5	751	8%	733	5%	-18	-2%
5-19	2,162	22%	2,426	18%	264	12%
20-24	346	4%	781	6%	435	126%
25-44	3,051	31%	2,083	15%	-968	-32%
45-64	2,401	24%	3,462	26%	1,061	44%
65 & over	1,110	11%	4,009	30%	2,899	261%
Total	9,821	100%	13,494	100%	3,673	100%

Sources: U.S. Census Bureau 2000; MAPC.

Policy Implications

A full range of housing options for seniors should be included in Lakeville's housing strategy. Further, various housing options for families with young children at all income levels should be considered.

2.1.5 Income Distribution

Table 2-5 compares the town's 1990 and 2000 household income distributions with those of Plymouth County and the state. In 1990, the town had a higher share of upper-middle income households and fewer low-income households than either the county or the state. In 1990, approximately 47% of the town's households had incomes of \$50,000 or more, as compared to 39% of Plymouth County households and 35% of Massachusetts households. Similarly, only 25% of the town's households earned less than \$25,000, compared to 29% for Plymouth County and 33% for the state.

The differences in these income distributions for 2000 are striking. **The town as a whole became much wealthier during the 1990s, with approximately 70% of the town's households earning \$50,000 or more in 2000, compared to only 56% for Plymouth County and 51% for the state.** Approximately 12% of Lakeville households earned less than \$25,000 in 2000, compared to 21% for Plymouth County and 25% for the state. These trends indicate that Lakeville has changed from a generally middle- to upper-middle class community in 1990 to a much wealthier community in 2000.

The town's median household income exceeded both the county and the state medians in 2000. The median household income in Lakeville in 2000 was \$70,495. This figure is about 27% higher than the 2000 median household income for Plymouth County, which was \$55,615, and 40% higher than the state median household income of \$50,502.

Lakeville also had a smaller percentage of residents living in poverty than either Plymouth County or the state. In 2000, it was estimated that, of the persons for whom poverty status¹ was determined, those below the poverty level numbered 284, or 3%. This percentage was considerably lower than the comparable figure for Plymouth County (6.6%) or Massachusetts (9.3%).

Data on poverty status is derived from answers to income question in the 1990 and 2000 census. Households are classified below the poverty level when the total income of the family or of the non-family householder is below the appropriate poverty threshold. Poverty thresholds vary depending upon three criteria: size of family, number of children, and age of the family householder or unrelated individual for one and two-person households. In determining the poverty status of families and unrelated individuals, the Census Bureau used income cutoffs which included a set of 48 thresholds arranged in a two-dimensional matrix consisting of family size (from one person to nine or more people) cross-classified by presence and number of children (from no children present to eight or more children present).

¹ Poverty status is determined for all persons except institutionalized persons, persons in military group quarters, persons in college dormitories, and unrelated individuals under the age of 15.

Table 2-5
Household Income Distribution, 1990

Income	Lakeville Households	Lakeville Percent	Plymouth County Percent	Massachusetts Percent
Less than \$10,000	173	7%	11%	13%
\$10,000 - \$24,999	477	18%	18%	20%
\$25,000 - \$49,999	761	29%	33%	32%
\$50,000 - \$99,999	1,065	41%	32%	28%
\$100,000 or more	146	6%	7%	7%

Source: U.S. Census Bureau 1990.

Table 2-5
Household Income Distribution, 2000

Income	Lakeville Households	Lakeville Percent	Plymouth County Percent	Massachusetts Percent
Less than \$10,000	109	3%	7%	9%
\$10,000 - \$24,999	284	9%	14%	16%
\$25,000 - \$49,999	614	19%	24%	25%
\$50,000 - \$99,999	1,381	42%	37%	33%
\$100,000 or more	910	28%	19%	18%

Source: U.S. Census Bureau 2000.

Policy Implications

As income levels rise, housing costs will also rise, potentially leaving long term Lakeville residents with limited housing options. Strategies and/or specific funding mechanisms should be developed to assist those who may need help with housing as costs rise beyond their means.

2.1.6 Other Social Characteristics

Table 2-6 compares the educational attainment of residents 25 and over in Lakeville, Plymouth County, and Massachusetts in both 1990 and 2000. Overall, Lakeville's residents have slightly more education than the Plymouth County average and slightly less advanced education than the state as a whole.

Table 2-6
Educational Attainment, 1990 and 2000

Location	Percent Completed High School		Percent Completed 4 Years College		Percent Completed >4 Years College	
	1990	2000	1990	2000	1990	2000
Lakeville	84%	87%	22%	33%	7%	11%
Plymouth County	84%	88%	22%	28%	7%	9%
Massachusetts	84%	85%	27%	33%	11%	14%

Sources: U.S. Census Bureau 1990 and 2000.

2.2 Characteristics of Existing Housing Supply

2.2.1 Housing Units

As of 2000, there were 3,662 housing units in Lakeville.² This represents an increase of 524 housing units or a 16.7% increase from the 1990 total of 3,138 units. The town's housing growth rate far exceeded the rates of Plymouth County (7.7%) and the State of Massachusetts (6.0%).

2.2.2 Age and Condition of Occupied Housing Stock

Information on the age of the town's occupied housing stock is presented in **Table 2-7. Compared to other communities, Lakeville has a very new housing stock.** Only 13.5 % of the town's occupied housing was constructed prior to 1940. Of the housing units constructed after 1940, 41.9% were constructed prior to 1980, while 44.6% (1,637 units) were constructed during the past 20 years. Field investigations of the town's residential areas reveal that most of Lakeville's housing stock is in very good condition. A few marginal areas exist, primarily in the older pond developments where homes were originally constructed to be seasonal residences.

Table 2-7
Age of Housing Stock in Lakeville, 2000

Year Built	Age	Number of Units	Percent
1939 or earlier	More than 61 years	493	13.5%
1940 to 1959	41-60 years	834	22.8%
1960 to 1969	31-40 years	245	6.7%
1970 to 1979	21-30 years	453	12.4%
1980 to 1989	11-20 years	827	22.5%
1990 to 2000	10 years or less	810	22.1%
Total		3,662	100.0%

Source: U.S. Census Bureau 2000.

² U.S. Census 2000.

2.2.3 Housing Stock by Type

Information on the type of housing units found in Lakeville is presented in **Table 2-8. Single-family detached housing comprises the majority of the town's housing inventory.** During the 1990s, the town's housing stock grew by 524 units. The fastest growing segments of the town's housing stock were three or four unit structures, which nearly doubled in number during the 1990s, and five to nine unit structures, which increased by 13 units. The town's major multi-family development is located at Blueberry Estates on Vaughan Street, which includes 68 units for residents 55 and over in buildings of 4 to 8 units each. Detached single-family units had a lower percentage rate of growth, but comprised by far the largest number of new units, accounting for 494 of the 524 net new units.

Table 2-8
Types of Units and/or Structures, 1990 and 2000

Age	1990		Percent		1990-2000 Change
	Units	Percent	Units	Percent	Units
Single-family (detached) ³	2,931	93.4%	3,425	93.5%	494
Single-family (attached) ⁴	16	0.5%	20	0.5%	4
Two units	25	0.8%	30	0.8%	5
Three or four units	37	1.2%	71	1.9%	34
Five to nine units	37	1.2%	50	1.4%	13
Ten to nineteen units	0	0.0%	0	0.0%	0
Twenty or more units	0	0.0%	0	0.0%	0
Mobile Home	79	2.5%	66	1.8%	-13
Other	13	0.4%	0	0.0%	-13
Total Units	3,138	100.0%	3,662	100.0%	524

Sources: U.S. Census Bureau 1990 and 2000.

Policy Implications

The majority of Lakeville's housing stock is detached single family units built after 1970. This is because Zoning prohibits other forms of housing. Zoning should be modified to permit a much greater diversity in housing type and cost.

³ This is a 1-unit structure detached from any other house; that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A 1-family house that contains a business is considered detached as long as the building has open space on all four sides. Mobile homes to which one or more permanent rooms have been added or built also are included.

⁴ This is a 1-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.

2.2.4 Ownership

Lakeville's rate of home ownership increased slightly during the past ten years. **Approximately 81.3% of housing units in Lakeville were owner-occupied in 2000** as compared to 75.8% in 1990. The proportion of total units that was renter-occupied increased from 7.2% in 1990 to 8.6% in 2000. The total housing stock increased during the 1990s, however, the majority of new units constructed are now owner-occupied. These trends reflect the construction of new single-family homes in the outlying sections of the town during the 1990s (which are almost exclusively owner-occupied).

Table 2-9
Ownership, 1990-2000

Age	1990		2000		1990 –2000 Change
	Units	Percent	Units	Percent	Units
Owner Occupied	2,379	75.8%	2,978	81.3%	599
Renter Occupied	225	7.2%	314 ¹	8.6%	89
Vacant	534	17.0%	370	10.1%	-164
<i>Seasonal, Recreational, or Occasional Use</i>	407	13.0%	277	7.6%	-130
Total	3,138	100.0%	3,662	100.0%	524

Sources: U.S. Census Bureau 1990 and 2000.

1. The majority of this increase is the result of lakeside properties being converted to year-round rental properties. Many of these conversions are considered to illegal by the town's Zoning Enforcement Agent.

Policy Implications

The conversion of the lakeside residences offers an opportunity for the town to create more affordable housing. The town's housing strategy should involve a process and an organization to assist in the lawful conversion of these lakeside properties and other such properties to affordable rental units.

2.2.5 Length of Residency

Table 2-10 shows the length of residency for Lakeville residents as compared to Plymouth County and the state. The "length of residency" statistic indicates how long the head of household has lived in his or her current residence, not how long the householder has lived in the town. Thus, it is a measure of the average turnover of housing units—and not a direct measure of new residential influx. Turnover is a useful statistic because it is related to the rate of new construction as well as to changes in the cost of rental and sale units. Very often, areas that are subject to escalating prices experience higher than normal turnover rates. As previously affordable units become unaffordable, residents are either forced to move because of rising rents or property taxes, or choose to "cash in" by selling their home.

As shown in Table 2-10, the rate of turnover in Lakeville is considerably lower than in Plymouth County or the state overall. The percentage of households that has been in place for five years or less in Lakeville is 34.0% as compared to 39.7% for Plymouth County, and 44.4% for the state. In addition, the percentage of households that has been in place for eleven years or longer is slightly more the state and county averages: 44.4% in Lakeville, compared to 43.4% for Plymouth County, and 40% statewide.

Table 2-10
Length of Residency by Householder, 2000

Length	Town of Lakeville		Plymouth County	Massachusetts
	Number	Percent	Percent	Percent
One year or less	316	9.6%	13.0%	16.4%
Two to five years	803	24.4%	26.7%	28.0%
Six to ten years	712	21.6%	16.9%	15.6%
Eleven to twenty years	775	23.5%	18.2%	16.1%
Twenty-one to thirty years	335	10.2%	13.3%	10.5%
Thirty-one years or longer	351	10.7%	11.9%	13.4%
Total Householders⁵	3,292	100.0%	100% (168,361)	100% (2,443,580)

Source: U.S. Census Bureau 2000.

Policy Implications

The lack of vacancy in combination with the large percentage of owner occupied units is producing a housing crisis in Lakeville for those who cannot afford the increasing prices of single family homes. The production of rental housing should be included among Lakeville's housing strategies.

2.3 The Housing Market

2.3.1 Vacancy Rate and Unoccupied Units

Vacancy rate indicates the availability of housing units in a community. In general, a vacancy rate of 5% is considered ideal because it allows the population to move freely in the marketplace. The vacancy rate for ownership units in Lakeville in 2000 was comparable to rates observed for the state and the county: Lakeville (0.8%), Plymouth County (0.6%), and Massachusetts (0.7%). The 2000 vacancy rate for rental units in Lakeville was 1.6%, down from 7.1% in 1990 (see **Table 2-11 A & B**). **Both vacancy rates for rental and ownership housing are far below 5%, which indicates that there is a significant demand for additional housing.**

While the vacancy rate identifies the availability of units for rent or for sale, the percentage of vacant or unoccupied units also includes dwelling units that are not available for rent or sale

⁵ This total reflects the total number of occupied units, which is smaller than the total number of units.

because they are abandoned, dilapidated, or otherwise not suitable for habitation. In 2000, Lakeville had 63 unoccupied units, which comprised 1.7%⁶ of the town's housing stock. The low vacancy rate and unoccupied units rate indicates that Lakeville has a limited supply of housing for sale and that the overall condition of the housing is good.

Table 2-11A
Vacancy Rate, 1990

Vacancy Rate	Lakeville		Plymouth County		Massachusetts	
	Percent	Units	Percent	Units	Percent	Units
Homeowner Units	1.8%	42	1.8%	1,914	1.7%	22,728
Rental Units	7.1%	16	8.2%	3,315	7.5%	68,811

Source: U.S. Census Bureau 1990.

Table 2-11B
Vacancy Rate, 2000

Vacancy Rate	Lakeville		Plymouth County		Massachusetts	
	Percent	Units	Percent	Units	Percent	Units
Homeowner Units	0.8%	25	0.6%	780	0.7%	10,861
Rental Units	1.6%	5	3.2%	1,338	3.7%	34,174

Source: U.S. Census Bureau 2000.

2.3.2 Home Sales Activity

According to the Banker and Tradesman, home sales activity in Lakeville remained fairly constant during the first half of the 1990s, and then increased substantially during the second half. The increase was considerably steeper for single-family home sales than for all real estate sales.⁷ The average number of single-family homes sold during the first half of the decade was 91; the average for the second half was 134. The peak of single-family home sales activity was in 2001, when 151 units were sold; the lowest point was 1991 when only 71 homes were sold.⁸ The market for condominiums was nonexistent, with none being sold between 1990 and 2000.

⁶ This figures includes units: (1) rented or sold, not occupied; and (2) other vacant housing units. This figure does not include seasonal housing units.

⁷ The "All Sales" category includes all property transactions with a sales price greater than \$100.00 as recorded by the Registry of Deeds. This would include, in addition to single-family homes and condominiums, all commercial, industrial, and other non-residential property sales.

⁸ Source: Banker and Tradesman, a publishing and information services organization that provides services to professionals working in the fields of real estate, banking and commerce.

Table 2-12
Home Sales Activity, 1990-2002

Year	Single-Family Home Sales	Condominium Sales	Other Sales	All Sales
1990	79	0	96	175
1991	71	0	81	152
1992	103	0	109	212
1993	92	0	83	175
1994	105	0	117	222
1995	94	0	94	188
1996	109	0	114	223
1997	137	0	78	215
1998	137	0	173	310
1999	147	0	120	267
2000	142	0	153	295
2001	151	0	127	278
2002	139	2	98	237

Source: Banker and Tradesman.

2.3.3 Housing Permit Data and Construction Costs

In reviewing housing permit data from 1995 through 2001, two trends become apparent. First, while the number of single-family homes constructed in Plymouth County has remained fairly constant for the past seven years, the number being constructed in Lakeville rose dramatically from 1997 to 1998, its peak, and has subsequently tapered slightly, but remains higher than its previous rate. Second, the average construction cost of single-family homes in Lakeville generally parallels the cost of homes constructed in Plymouth County. According to the Town Building Commissioner, most newly constructed units in recent years have been averaging approximately 2,500 s.f.⁹ In addition, many town residents have added small in-law apartments to their homes.¹⁰

⁹ Memo from Robert M. Darling, the Building Commissioner to Rita Garbitt and the Master Plan Committee dated January 6, 2003.

¹⁰ Ibid.

Table 2-13
Housing Permit Data and Construction Costs
Single-Family Units
Lakeville and Plymouth County, 1995-2001

Year	Lakeville			Plymouth County		
	Total Cost	Number of Units	Average Cost/Unit	Total Cost	Number of Units	Average Cost/Unit
1995	\$5,458,225	55	\$99,240	\$150,177,944	1,369	\$109,699
1996	\$5,930,300	57	\$104,040	\$180,256,909	1,644	\$109,645
1997	\$6,012,205	54	\$111,337	\$188,790,031	1,607	\$117,480
1998	\$11,221,375	93	\$120,660	\$208,704,367	1,753	\$119,056
1999	\$9,098,320	76	\$119,715	\$226,248,712	1,675	\$135,074
2000	\$11,067,000	87	\$127,207	\$243,874,355	1,815	\$134,366
2001	\$12,688,522	74	\$171,467	\$244,334,800	1,478	\$165,314

Source: MISER/Massachusetts State Data Center.

2.4 Housing Costs and Affordability Indices

The definition of housing affordability considers both the price of the housing unit and the income of the household living in it. It should be noted that the term “affordable housing” is relative, since it depends on the income of the household. Affordable housing is not the same thing as subsidized housing for persons of moderate and/or low income, although subsidized housing is one type of affordable housing.

2.4.1 Affordability Indices

A generally accepted standard used to define affordability is that monthly housing costs should not exceed 30% of household income. A guideline used by banks when evaluating home mortgage applications is that monthly payments should not exceed 30-33% of household income (including taxes and insurance).

2.4.2 Housing Costs

Cost of Homeownership Units

According to Banker and Tradesman, the median sales price for single-family houses sold in Lakeville in 2001 was \$199,250.¹¹ According to this dataset, no condominiums were sold in Lakeville during 2001. **As of June 2002, the price of single-family homes in the town rose to \$249,000, an increase of 25%, which was significant compared to growth rates for neighboring towns: 10% in Middleborough; 12% in Rochester; 8% in Freetown; 14% in Berkley; and 9% in Taunton.**

¹¹ Conversations with area brokers suggest that the median sales price provided by Banker & Tradesman is considerably lower than realistic market conditions would suggest. Lakeville has a considerable supply of seasonal cottages not appropriate for year-round use. Generally prices for the seasonal homes are significantly lower than prices for the new year-round housing stock that has been constructed over the past 20 years. Area brokers have suggested that Banker and Tradesman included sales prices for seasonal cottages in their median driving the overall figure down.

An analysis of Lakeville's housing assessment data categorizes the town's housing stock by income bracket. Based on assumptions for a typical homebuyer, a family earning the 1999 median household income for the Brockton Metropolitan Statistical Area (MSA) of \$52,058 could afford a home costing about \$184,000.^{12, 13} This is almost \$30,000 more than Lakeville's estimated 1999 median home price of \$157,900. This analysis (see **Table 2-14**) indicates that a small portion of the town's housing stock is generally affordable to households in all but the lowest income brackets. However, the majority of the units are priced for families earning significantly more than the area median family income.

Policy Implications

The lack of housing options (i.e. very few rental units) combined with the sharp increase in the cost of housing is leading towards a housing crisis in Lakeville. New rental units should be included in the housing strategy to ensure that there are options for those who cannot immediately afford home ownership

Although only 187 units (5.2%) are affordable to low-income households (those earning less than 50% of the median income), 550 units (15.4%) are affordable to moderate-income households (those earning 50-80% of the median). The largest value category—1,249 units or 35% of the total—is affordable mainly to upper-middle income households. The town has only a small number of luxury homes. While this information is quite useful in assessing housing affordability in the town, two caveats should be noted: (1) affordability is defined according to household size; and (2) this analysis does not consider rental housing, for which data is not available.

¹² This calculation assumes a 20% down payment, 30-year mortgage, interest rate of 7.17% (the average rate from July 2000 through June 2002 for a borrower with good credit history), and insurance and property tax rates typical of the area. It should be recognized, however, that changing any of these assumptions would affect the amount that a family could borrow and therefore the maximum house price they could afford. Total borrowing power is particularly sensitive to the interest rate, which can fluctuate greatly.

¹³ This analysis examines median *household* income rather than median *family* income as the measure of affordability because many individuals that require housing live in non-family households. Thus, median household income is more indicative of the total range of living groups requiring housing. It should be noted, however, that "affordability" for the purposes Chapter 40B and certain other programs is defined based on median family income for the MSA in which the community is located. For the Brockton MSA, this figure is \$60,890. An affordable home for a family earning \$60,890 could cost up to \$216,000.

Table 2-14
Approximate Cost of Homeownership Units in Lakeville (2000)

Home Price Range*	Affordability Range (% of Median HH Income)*	Single-Family Units		Multi-Unit Housing**	
		Number	Percent	Number	Percent
Less than \$92,000	Less than 50%	175	5.0	12	37.5
\$92,001 - \$147,000	50% - 80%	530	15.0	20	62.5
\$147,001 - \$184,000	80% - 100%	670	19.0	0	0
\$184,001 - \$221,000	100% - 120%	697	19.7	0	0
\$221,001 - \$332,000	120% - 180%	1,249	35.3	0	0
More than \$332,001	180% and over	212	6.0	0	0
Total		3,533	100.0	32	100.0

Source: Town of Lakeville Assessor's Database. Consistent with standard practice, assessed value is assumed to be 93% of actual value or potential sale price.

* Affordability was calculated using the 1999 median household income for the Brockton Metropolitan Statistical Area (MSA) of \$52,058.

** This breakdown includes all non-single family residential units, i.e., all units identified in the Town's Assessor's database as two-family houses, three-family houses, and condominium units. [Due to the limitations of the data set, units in multiple houses on one parcel and units in mixed-use buildings are not included. Also, no distinction is made between ownership units and rental units. Therefore, for some of the multi-unit dwellings included in the classification, the "value" attributed to them is relative, as they may be units that would not have sold individually].

Costs of Rental Housing

Rental Housing in eastern Massachusetts has become much more expensive in recent years. Although rents in outlying areas have historically risen more slowly in the past, the pressure on rental markets is increasing in the suburbs as housing availability grows tighter in the town. In 1990, median gross rent in Lakeville was \$723 per month, compared to the Plymouth County median of \$620 and the statewide median of \$580. In 2000, median rent in Lakeville was \$806 per month, compared to a county median of \$670 and a statewide median of \$684.

2.5 Housing Needs

Overall, the greatest housing needs in Lakeville are for: (1) senior housing; and (2) various alternatives to single-family housing (housing for individuals living alone, single-parent households, empty-nesters, and younger couples with children). Additional affordable housing is needed, and this need will become more acute if the recent market driven escalation of housing prices continues.

2.5.1 Low and Moderate Income Households

The Department of Housing and Urban Development (HUD) calculates the median income for U.S. metropolitan and non-metropolitan areas each year. Lakeville is included within the Brockton Metropolitan Statistical Area (MSA) and the area median family income is \$52,050. HUD establishes income groups – very low, low, and moderate – as households whose income falls within specific percentages of the area median income. Most state and federal programs are available for households who make up to 80% of the area median income (\$41,640), adjusted for household size.

Very Low-Income (0 to 30% of area median income)

Approximately 188 of a total of 3,265 households in Lakeville are very low-income, according to the 2000 census. This represents 5.6% of all households. The majority of these households own their own home (143). Eighty-one percent of these owner households pay over 30% of their income for rent. Forty-five very low-income households are renters and 100% of them pay over 30% of their income for housing. After paying their monthly housing costs, a large majority of the very low-income households in Lakeville are left with little income to pay for other necessities.

Low-Income (31% to 50% of area median income)

Seven percent, or 234, of Lakeville households are low-income. The 2000 census shows that 21.4% (50) of the low-income households rent their housing units. Of these renter households, 70.0% pay more than 30% of their income for rent. Seventy-nine percent (184) low-income households own their homes. Sixty percent of these homeowners pay over 30% or more of their income on housing.

Moderate-Income (51% to 80% of median income)

Nearly 11% (351) of households in Lakeville are moderate income. In this income group, 21.4% are renters and 78.6% are homeowners. The housing costs burden on renters in this income group is a bit less than the other low-income groups. Forty percent of the moderate-income renters are paying over 30% of their income for rent. Forty-three percent of the moderate-income homeowners are paying over 30% of their income for housing costs.

Other Income Groups (81%> of median income)

Data from the 2000 census indicates that approximately 76% of households (2,492) earn over 80% of median family income in Lakeville. Only 6.0% of these residents rent their units. Of these, none pay over 30% of their income for housing. Ninety-four percent of residents that earn over 80% of median family income own their homes. Nearly ten percent of these homeowners pay over 30% of their income on housing.

2.5.2 Elderly

As generations age, there are periodic shifts among various age groups. For example, from 1990 to 2000, the 25-44 age group's overall population share decreased, while the 45-64 age cohort increased. Despite the fluctuations, **the overall trend is toward an older population** — and this trend is quite apparent in Lakeville. The Metropolitan Area Planning Council estimates that the number of persons aged 65 and over will increase by 261% between 2000 and 2020, and that approximately 55% of Lakeville's population will be aged 45 and over by 2020. Additional housing will therefore be needed to meet the needs of “empty nester” couples as well as older adults seeking independent or assisted congregate living options.

According to the 2000 census, 24.6% of elderly households have very low and low-incomes (267) and another 12.0% (130) have moderate incomes. This means that 36.6% of elderly households in Lakeville make less than 80% of median income and would be income eligible for most state and federal housing programs.

The latest census data also reveals that 16.6% of households over 65 are renters. Among elderly renters 36.1% pay more than 30% of their income for rent. This represents about 65 elderly households who are already paying too high a percentage of their income for housing. While rents rise, many elderly incomes are fixed. Over time, they will be forced to devote greater percentages of their income to housing.

Eighty-three percent of households over 65 own their home. Twenty-one percent of owners 65 years old and over, pay 30% or more of their incomes for housing costs. Most elderly have owned their homes for many years. For the elderly this means that most no longer carry a mortgage on their property. Therefore, their monthly housing costs should be lower. Despite this, due to their proportionally lower-income, elderly homeowners are still paying a greater percentage of their income to own a home. Since most elderly are on fixed incomes, their income will not rise to meet increasing housing costs and the expenses of maintenance and repair that aging properties require.

2.5.3 Renters

Only 9.5% of all Lakeville households are renters compared to 25% in Plymouth County and 38% in the state. In 2000, the U.S. Census estimated that **at least 20.3% of renters in Lakeville spent more 30% or more of their income on housing.** In 1990, median gross rent in Lakeville was \$723 per month, compared to the Plymouth County median of \$620 and the statewide median of \$580. In 2000, median gross rent in Lakeville was \$806 per month compared to a county median of \$679 and a statewide median of \$684.

Based on the Boston area median family income published by HUD for 2003, the maximum affordable monthly rent, including utilities, for a very low-income household is \$606; for a low-income family it is \$1,010; for a moderate-income family it is \$1,616; and for a middle-income family it is \$1,919. These figures would suggest that rental units in Lakeville are affordable to all but very-low income households.

A report generated by the National Low Income Housing Coalition would suggest otherwise. The coalition reports that in order to afford (paying no more than 30% of gross income) the Boston Area's 2003 Fair Market Rent (FMR) for a one bedroom apartment, a family would need an income of \$42,960. Similarly, to afford the FMR for a two-bedroom apartment a family would need an income of \$53,720. These rents are affordable for middle and moderate-income households, but not for very low and low-income households in Lakeville who, in 2003, earned up to \$24,240 and \$40,400 respectively.

As shown in **Table 2-15**, the town's stock of rental housing grew by 89 units, or almost 40% during the 1990s, but still accounted for only 9.5% of total occupied units.

Table 2-15
Housing Occupancy, 1990 and 2000

Category	1990		2000	
	Number	Percentage	Number	Percentage
Occupied Housing Units	2,604	83.0	3,292	89.9
<i>Owner-Occupied Housing Units</i>	<i>2,379</i>	<i>91.4</i>	<i>2,978</i>	<i>90.5</i>
<i>Renter-Occupied Housing Units</i>	<i>225</i>	<i>8.6</i>	<i>314</i>	<i>9.5</i>
Vacant Housing Units	534	17.0	370	10.1
Total Housing Units	3,138	100.0	3,662	100.0

Source: U.S. Census Bureau, 1990 and 2000.

Note: "Occupied housing units" was used as the denominator in deriving the percentages for owner-occupied units and renter-occupied units. Total Housing Units was used as the denominator for all other calculations. Italicized lines are subsets of the preceding boldface lines.

2.5.4 Owners

Based on the 2000 census, 90.5% of housing units in Lakeville are owner-occupied. Nineteen percent of all owners are paying more than 30% of their incomes on housing costs. Eighty-one percent of the very low-income owners (115) households, 59.7% of the low-income owners (110) households, and 43.1% of the moderate-income owners (119) households pay over 30% of their incomes on housing costs. This totals 344 homeowner households who are income eligible for many state and federal housing programs but for whom housing is absorbing an excessive portion of their income. In addition there are 2,342 owner households that earn more than 80% of are median family income. Of these, 9.5% pay more than 30% of their incomes on housing costs.

2.5.5 Size of Household (Single, Two-Person, and Large Families)

Unlike many other Massachusetts communities that experienced a falling household size, Lakeville's household size held steady in the 1990s at a rate well above the regional and state average. This statistic suggests that families with children are moving to Lakeville, or choose to have children soon after they settle in the town. This trend is most likely a consequence of, not a reason for, the current composition of Lakeville's housing stock. In other words, families are drawn to Lakeville because the town offers relatively affordable family housing in a safe and a pleasant living environment.

2.5.6 Homeless and Special Need Populations

Lakeville is part of the Taunton/Attleboro service areas for state supported social services. Residents with a variety of special needs receive services from agencies located in surrounding communities. Due to the fact that Lakeville has very few residents who utilize services, these agencies do not separate information for Lakeville in their statistical reports.

Homelessness

The Lakeville Police Department refers any residents in need of temporary housing to the Department of Social Services, Transitional Assistance Department, 21 Spring Street, Taunton, MA.

Veterans

Veterans in need of services can obtain assistance from the Lakeville Veterans Agent. The Assessors Office has granted 58 tax exemptions to veterans during Fiscal Year 2003. Exemptions are based on disabilities and medals awarded for service, not on income.

Persons with HIV/AIDS

There is no available information on the number of persons with HIV/AIDS in Lakeville.

Mental Retardation/Development Delay

This population receives services through the Massachusetts Department of Mental Retardation.

Domestic Violence

Victims of domestic violence receive services from the Department of Social Services, Transitional Assistance Department, 21 Spring Street, Taunton, MA.

Mentally Ill

The Massachusetts Department of Mental Health, 21 Spring Street Taunton, MA reports 50 people with mental retardation affiliated with the DMH Taunton Office reside in Lakeville.

Elderly

Eleven percent of Lakeville's population is over 65. This group of residents is served by a very active Council on Aging (COA). The COA provides transportation for shopping, social activities and medical appointments. It makes referrals for Meals on Wheels and the Old Colony Elderly Services.

2.6 Affordable Housing Programs and Organizations

2.6.1 Soft Second Loan Program

The Town of Lakeville participates in the Soft Second Loan Program administered by Massachusetts Housing Partnership Fund to encourage homeownership in our community. The Program is a joint initiative of the public and private sectors to increase affordable housing opportunities for low-and moderate-income homebuyers in Massachusetts. The Program was developed in 1990 by a task force of the Massachusetts Bankers Association, the Massachusetts Department of Housing and Community Development, and the Massachusetts Housing Partnership Fund. It combines a conventional first mortgage with a subsidized second mortgage to help low-and moderate-income households to qualify for a mortgage and purchase a home for the first time. The benefits include: (1) low interest rates; (2) no points; (3) no private mortgage insurance; (4) reduced closing costs; (4) mortgage is spit into two mortgages thus making monthly payments more affordable; and (5) pre and post purchase counseling.

2.6.2 Greater Taunton/Attleboro H.O.M.E. Consortium

The Town of Lakeville is a member of the H.O.M.E. Consortium. It is a partnership of 13 cities and towns working together to address the problem of affordable housing in our region. The

towns participating are Attleboro, Berkley, Dighton, Easton, Lakeville, Mansfield, Middleboro, North Attleboro, Norton Plainville, Raynham, Seekonk & Taunton. The Consortium receives HOME Investment Partnership funds through the Department of Housing and Urban Development on an annual basis. These federal funds are used to help low to moderate-income residents to buy homes, rehabilitate their property and create affordable housing. The funds are distributed on a first-come, first-served basis to people who qualify. The loan would result in a no-interest lien against the property. It would be paid back only when the owner transferred title to another new owner.

2.6.3 Housing Authority

The town currently does not have a Housing Authority. A Housing Authority is responsible for the management and operation of a community's local public housing program, it may also operate other types of housing programs. Among other things, a Housing Authority assures compliance with leases, sets charges (e.g., security deposit, excess utility consumption, and damages to unit), and provides routine maintenance. In addition, a Housing Authority may provide other services, such as homeownership opportunities for qualified families; employment training opportunities, other special training programs for residents, and support programs for the elderly. The Town of Lakeville has indicated that the establishment of a Housing Authority should be a priority. In addition, there has been some discussion of establishing a Housing Partnership that would be used to coordinate housing programs and initiatives.

2.6.4 Non-Profit Organizations

Habitat for Humanity of Greater Plymouth, Inc., founded in 1997, is a local non-profit housing organization that serves the "Cranberry Country" of Plymouth, Kingston, Carver, Plympton, Lakeville, and Middleboro. Local volunteers build houses with partners who contribute various construction services. The completed homes are then sold at-cost to income qualifying families.

A recent housing survey identified a lack of funds for down payment and closing costs as the single greatest barrier to first-time homebuyers.¹⁴ This is especially true in a region with such high housing costs. In recent years, a number of non-profit organizations have attempted to bridge this financing gap through programs that provide potential homebuyers with down-payment assistance (Nehemiah Program, Housing Action Resource Trust, New Horizon, etc.). Loan programs that have small down payment requirements, such as 3% or 1%, help buyers to overcome this obstacle. However, in a competitive housing market buyers with small down payments may be at a disadvantage in the market.

2.7 Inventory of Subsidized Housing

2.7.1 Chapter 40B-Qualifying Affordable Housing

Chapter 40B of the Massachusetts General Laws mandates that communities have 10% of their total housing units dedicated to households with low and moderate incomes as defined by HUD.

¹⁴ Grillo, Thomas. Boston Globe, "Offering a Gift and a Chance: Nonprofit Groups Give Down Payment Help that Doesn't Have to Be Repaid." August 12, 2001.

In order to qualify as affordable under Chapter 40B, housing units must be subsidized¹⁵ by the state or federal government.

In communities that have less than 10% affordable housing, Chapter 40B allows private developers who construct affordable housing to circumvent local zoning and subdivision control regulations through the Comprehensive Permit process. This process allows developers to submit a single application to the Zoning Board of Appeals, and requires that the application be approved unless it presents serious health or safety risks. A project must contain at least 25% affordable housing to be eligible for a Comprehensive Permit. Comprehensive Permits have caused great concern in many Massachusetts communities because they strip cities and towns of much of their local land use control and sometimes result in developments that are poorly sited in remote or environmentally sensitive locations.

According to DHCD, in 1997 only 4 units or 0.15% of Lakeville's housing inventory qualified as affordable under Chapter 40B. As of April 24, 2002, the number of qualifying units was 8 and comprised 0.24% of the town's total housing inventory. The qualifying units are residential group homes established and operated by the State's Department of Mental Health. The average percentage of affordable housing for cities and towns in the 27-community SRPEDD region¹⁶ is 3.85%; all but one of the communities has a higher proportion of affordable housing than Lakeville.

2.7.2 Senior Housing and Special Needs Housing

The town's current stock of elderly housing includes the 68 unit Blueberry Estates 55+ residential community, the 64 unit Haskell Circle development off of Route 79 and the 77 bed Island Terrace Nursing Home on Long Point Road.

2.7.3 Projects in Process and Under Review

The town has recently approved two applications for Comprehensive Permits totaling 48 units of which 21 will be affordable units. In addition, the town is anticipating the submission of several additional applications for a possible grand total of 943 units of which 272 will be affordable units. **Therefore, by adding the existing number of 40B units, the potential total number of 40B units for the Town of Lakeville is estimated to be 951 of which 280 units will be affordable.** As discussed in Section 2.1.1, the total number of dwelling units at buildout is estimated to be 6,366. Strictly speaking, 277 of those units are seasonal, recreational, or occasional use and therefore not subject to the state's affordable housing requirements bringing the total applicable dwelling units at buildout to 6,089. **Therefore, in order to meet 40B's 10% goal at buildout, the town needs to plan for approximately 609 affordable units.** Based on

¹⁵ Initially, "subsidized" in the context of Chapter 40B was taken to mean financial subsidies only. As a result, communities had little incentive to undertake housing initiatives not involving direct state or federal financial assistance, even if they were otherwise consistent with the intent of the statute. This changed in 1989 when the definition of "subsidized" was broadened to include programs providing subsidies in-kind or through technical assistance or other supportive services. As a result, several non-traditional subsidy programs came into wide use during the 1990s. These include the Department of Housing and Community Development's (DHCD) Local Initiative Program (LIP), the Federal Home Loan Bank of Boston Affordable Housing Program, and the New England Fund (NEF).

¹⁶ The SRPEDD region consists of the following communities: Acushnet, Attleboro, Berkley, Carver, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, Lakeville, Mansfield, Marion, Mattapoisett, Middleborough, New Bedford, North Attleborough, Norton, Plainville, Raynham, Rehoboth, Rochester, Seekonk, Somerset, Swansea, Taunton, Wareham, and Westport.

these numbers, the town is well on its way to meeting the current demand and future need for affordable housing. Detailed information regarding each of these projects is outlined in the **Table 2-16** below.

Table 2-16
Recent and Pending Residential Developments

Shaded projects are those currently supported and/or approved by the town where construction is anticipated to be substantially complete by 2007.

Project	Location	Project Status	Total Units	Total Affordable Units	Rental vs. Ownership	Time Frame for Completion	Comments
Woods Edge	Ebony Farm Road	Approved	36	18	Ownership	2006	36 detached single-family units on 41.6 acres. Project is age restricted (55+).
Bridge Street Estates	6 Bridge Street	Approved	12	3	Ownership	2006	Project is age restricted (55+).
The Residences at Lakeville Station: Oxford Development	Lakeville Business Park/MBTA Station	Preliminary Application Submitted	192	77 (192 would count towards affordable goal)	Rental	2007	Located in the proposed location of the TODOD (See 5.1.3).
Lakeville Hospital	Main St. across from MBTA station.	Design Negotiation	80	20	Ownership	2007	Part of the redevelopment of the old State Hospital Site. Age Restricted (55+)
The Residences at LeBaron Hills	Route 79/Rhode Island Road	DHCD Negotiation. Project is supported by the town.	386	94	Predominantly ownership. Forty-five units will be available for rent.	2007	386 total units on 168.5 acres. 80 cottage style duplexes, 1 assisted living facility, and 2 independent living facilities. Project is age restricted (55+).
Station Street Crossing	Main Street and Rhode Island Road	Preliminary Application Submitted	80	20	Ownership	NA	80 townhouse units in 8 buildings. 20 units will be affordable.

Table 2-16 Continued
Recent and Pending Residential Developments

Project	Location	Project Status	Total Units	Total Affordable Units	Rental vs. Ownership	Time Frame for Completion	Comments
Abatano	Kingman St. and Rt. 79	Design	64	16	NA	NA	
Lakeville Country Club	Clear Pond Rd.	Design	40	10	NA	NA	
Easecat-Turowitz	Harding Street	Design	53	14	NA	NA	
Total Proposed Units			943	272¹			

Source: Town of Lakeville

1. This is a pure unit total and does not reflect the fact that all rental units would count toward the 40B 10% goal. If all currently proposed rental units are counted, the number of units that will count towards the 40B 10% goals jumps to **387**.

2.8 Regulations and Permitting

This section provides an overview of the town’s residential zoning regulations as well as a discussion of additional zoning bylaw provisions that are especially relevant to the development of affordable housing.

2.8.1 Zoning

Lakeville has four base zoning districts and four overlay districts. The base districts define the allowed uses and dimensional requirements throughout the town, while the overlay districts provide for additional uses and restrictions in certain areas. Nearly 88% of Lakeville is zoned for residential uses. Therefore, the town can expect that the vast majority of new development will be residential in nature.

Base Zoning Districts

Lakeville’s four base zoning districts include the Residential District, Business District, Industrial District and Industrial B district. These districts are summarized in **Table 2-17**. Provisions of these zoning districts are summarized in **Table 2-18** and the narrative that follows.

Table 2-17
Current Lakeville Zoning Districts

District	Intended Uses	Acres	% of Town
Residential	Low density residential (single and two-family)	20,138	87.2
Business	Retail, restaurant, office, and hotel	732	3.2
Industrial	Office, restaurant, hotel, warehousing, and manufacturing. No housing	1,974	8.5
Industrial B	Same as Industrial but IB permits single family residential by Special Permit	250	1.1
Total Area		23,094	100.0%

Source: Lakeville Zoning Bylaw.

Table 2-18
Dimensional Requirements in Lakeville Zoning Districts

District	Min. Lot Size (sq. ft.)	Min. Frontage (ft.)	Min. Front Yard (ft.)	Min. Side & Rear Yards (ft.)	Max. Lot Coverage (%)	Max. Building Height (ft.)
Residential District						
Single Family House	70,000	175	40	20	25%	35
Single-Family w/Apartment	70,000	175	40	20	25%	35
Mobile Home	70,000	175	40	20	25%	
Home for the Elderly	*	175	40	20	25%	
Business District	70,000	175	40	40	80%	35
Industrial District	70,000	175	40	40	80%	35
Industrial District B	70,000	175	40	40	80%	35

Source: Lakeville Zoning Bylaw.

*Density determined by special permit.

Residential District

Lakeville has one zone for residential development called the Residential District, however single family residences are permitted by Special Permit in the Industrial B and Business Districts. The minimum lot size in the Residential District for all uses is 70,000 square feet and allowed uses include single-family homes and single-family homes with attached apartments. There is limited access to municipal sewers in Lakeville, therefore on-site septic systems are necessary throughout the town. As a consequence, town zoning and minimum lot sizes are driven by the need to protect limited water resources. Special permit uses include mobile home parks, conversion of seasonal structures to year-round dwellings, duplex units in buildings constructed prior to 1978, elderly housing, hospitals, golf courses, recreational facilities, and funeral homes.

Overlay Districts

Lakeville has four Overlay Districts: Floodplain District, Water Resource Protection District, Planned Special Purpose District, and the newly created Planned Mixed Use District for the Old State Hospital Site. Of these districts, only the Mixed Use District has special provisions for housing, whereby only ‘Age-Qualified Housing’ is permitted. There are no density provisions associated with the Mixed Use District.

2.8.2 Bylaws/Provisions

The following additional zoning bylaw provisions are especially relevant to housing development and the provision of affordable housing in Lakeville.

Conversion of Seasonal Buildings for Year-Round Use

A special permit from the Zoning Board of Appeals is required for the conversion of seasonal dwellings to year-round use. Seasonal homes are defined as “a dwelling with a sub-standard septic design not meeting minimum Title V requirements for a year-round residence”. In order for the special permit to be issued, the applicant must demonstrate adequate water supply, sewage disposal, and indoor and outdoor space. Lot size, soils, and topography are considered, and an engineering analysis may be required. Conditions and limitations may be imposed on the number of occupants and other use characteristics for the protection of the residents, the neighborhood, and the environment. Although this bylaw has been in effect since 1982, it has done little to prevent the conversion of seasonal buildings to year-round use. Part of the problem is the ambiguous definition of “seasonal” homes, which has led to enforcement problems.

Alteration of Non-Conforming Dwellings

Structures that were in existence prior to 1978 may be converted to two-family dwelling units provided the dimensions and appearance of a single-family dwelling is preserved and the building is not incompatible with adjacent uses. Conversion is allowed through the issuance of a special per

2.9 Conclusions

In summary, Lakeville’s housing stock is relatively new and generally in good physical condition. However, the town’s housing stock is disproportionately focused on single-family detached homes whose average prices have escalated considerably over the last decade. Due to the fact that relatively few opportunities for other housing types exist, such as apartments and senior developments, and that the need for these housing types is increasing, the town needs to understand more explicitly the housing gaps that exist. The following section details the growing housing gap between what is provided and what is needed now and in the near future.

3. HOUSING NEED

This chapter seeks to: (1) identify the number of affordable housing units that will need to be produced over the next decade to address Lakeville's affordable housing shortage; (2) outline the types of affordable housing units that will best serve Lakeville's population; and (3) discuss barriers to developing affordable housing in Lakeville.

3.1 Meeting Lakeville's Current Affordable Housing Goal

As discussed previously, Lakeville had 3,662 dwelling units in 2000 of which 277 were for seasonal, recreational, or occasional use and therefore not subject to the state's affordable housing requirements. In order to meet the 10% standard for the year 2000, 339 units of Lakeville's dwelling units will have to be "affordable" based on the state's definition. The current affordable housing inventory of 8 units falls well below of the mandated requirement and Lakeville will need to produce at least 331 more affordable units to meet the 10% standard.

The completion of the proposed projects would add an additional 212 units (See shaded portion of **Table 2-16**) to the town's overall inventory of affordable housing over the next several years. If all the rental units are counted per current 40B regulations, the number of proposed 'affordable' units jumps to 327. While this production goal is aggressive, **the town must add an additional 216 actual units of affordable housing to its overall stock in order to meet the 10% standard for the dwelling units as of 2000.**

At buildout, the town needs to plan for approximately 609 affordable units (See **Section 2.7.3**)

3.2 Unmet Needs

The town will need to be prepared to plan for additional units should any of the proposed projects outlined in **Table 2-16** not be developed. As the town creates a plan to develop these additional units it is important to understand the housing gaps that exist so that new development strategies can be tailored to address specific deficits.

Table 3-1 illustrates where the most dramatic deficits exist among renter households. The group most in need includes elderly households. There are a total of 80 elderly households earning less than 80% of median family income and 65 of those households pay over 30% of their income for housing.

There is also a need for additional rental units appropriate for small households (families, individuals, or singles living together). There are a total of 90 renter households eligible for affordable housing based on HUD's income guidelines. Of those renter households 45 pay over 30% of their income for housing costs. There is one proposed project (The Residences at Lakeville Station) anticipating the development of 77 affordable units designed to accommodate the needs of a variety of demographic groups. Despite this recently proposed project there is still an anticipated shortfall of at least 33 units for all renters.

Among renter households earning more than 80% of the area median family income there appears to be no need for additional housing that is moderately priced. There are 150 renter households not eligible for housing programs appropriate for very low, low, and moderate-income households. None of these renter households are burdened by housing costs.

Table 3-1
Rental Housing Gaps Through 2007

Household by Type and Cost Burden	Elderly	Small Family (2 to 4)	Large Family (5 or more)	Other Households	Total Renters
Extremely Low-Income	30	0	0	15	45
% Cost Burden >30%	100.0%	NA	NA	100.0%	100.0%
Number Cost Burden >30%	30	0	0	15	45
Low-Income	25	25	0	0	50
% Cost Burden >30%	100.0%	40.0%	NA	NA	70.0%
Number Cost Burden >30%	25	10	0	0	35
Moderate-Income	25	40	0	10	75
% Cost Burden >30%	40.0%	25.0%	NA	100.0%	40.0%
Number Cost Burden >30%	10	10	0	10	30
All Other Households	20	95	0	35	150
% Cost Burden >30%	0.0%	0.0%	NA	0.0%	0.0%
Number Cost Burden >30%	0	0	0	0	0
Total Income-Eligible Households	80	65	0	25	170
Number Cost Burden >30%	65	20	0	25	110
Affordable Units Supplied	0	0	0	0	0
Affordable Units Proposed	0	0	0	0	77
Affordable Units Needed	65	20		25	33

Source: U.S. Census Bureau, 2000; Department of Housing and Urban Development.

Notes: Due to confidentiality and rounding problems the total number of households used in creating these tabulations is smaller than the figure reported earlier in the report.

As of April 24, 2002, the number of qualifying affordable units was 8 and comprised 0.24% of the town's total housing inventory. The qualifying units are residential group homes established and operated by the State's Department of Mental Health.

Currently, the elderly have few affordable ownership options. As Lakeville's population continues to age, appropriate ownership housing for elderly residents will be required. Of the 317 Lakeville homeowners over the age of 65 nearly 60% of them are overly burdened by housing costs. Current housing proposals suggest that 135 units of affordable housing designed for the elderly are projected for development over the next three years. This would alleviate a portion of the need, however, there would still be at least 48 elderly households with limited housing options.

There is also a need for affordable homeownership opportunities for families (smaller families in particular) and singles. There are 286 households that qualify for affordable housing and 35% of

those households pay over 30% of their income for housing. Recent housing proposals submitted to the town suggest that no 40B designated ownership units appropriate for families and singles will be developed over the next five years. A number of proposals for additional properties, however, are currently under review.

**Table 3-2
Owner Housing Gaps Through 2007**

Household by Type and Cost Burden	Elderly	Small Family (2 to 4)	Large Family (5 or more)	All Other Households	Total Owners
Extremely Low-Income	78	53	0	12	143
% Cost Burden >30%	94.9%	62.3%	NA	66.6%	80.5%
Number Cost Burden >30%	74	0	0	8	115
Low-Income	134	38	0	12	184
% Cost Burden >30%	55.2%	73.6%	NA	66.6%	59.7%
Number Cost Burden >30%	74	0	0	8	110
Moderate-Income	105	85	64	22	276
% Cost Burden >30%	33.3%	64.7%	39.1%	18.2%	43.1%
Number Cost Burden >30%	35	55	25	4	119
All Other Households	273	1,465	344	260	2,342
% Cost Burden >30%	1.5%	9.2%	8.7%	21.2%	9.5%
Number Cost Burden >30%	4	135	30	55	222
Total Income-Eligible Households	317	176	64	46	603
Number Cost Burden >30%	183	55	25	20	344
Affordable Units Supplied	0	0	0	0	0
Affordable Units Proposed	135	0	0	0	135
Affordable Units Needed	48	80		20	209

Source: U.S. Census Bureau, 2000; Department of Housing and Urban Development.

Notes: Due to confidentiality and rounding problems the total number of households used in creating these tabulations is smaller than the figure reported earlier in the report.

Among ownership households earning more than 80% of the area median income there is a slight need for moderately priced ownership opportunities. There are 2,342 owner households that are not eligible for affordable housing. Nine percent of these (222) households are burdened by housing costs and are in need of moderately priced ownership options.

3.3 Barriers to Affordable Housing

The factors that constrain affordable housing development in Lakeville fall into two distinct categories: (1) zoning decisions that have been influenced by local environmental factors; and (2) administrative deficiencies.

Zoning

The Town of Lakeville has no municipal sewers and as a result all developments require on site septic systems. In addition, the town's water supply is carefully (and properly) protected with zoning restrictions. Due to these environmental concerns the vast majority of the developable land in Lakeville is zoned single-family residential with 70,000 sq. ft. lot size minimum. This zoning, driven by the need to protect limited water resources, limits the development of higher density housing options, which are generally more affordable.

Specific information regarding the town's water supply and municipal sewer capabilities, as well as information regarding recent steps take to enhance service is provided in the sections that follow:

Municipal Water System - The Town of Lakeville does not have a municipal water system. However, following contamination of private wells, several homes on Daniel Road (off Precinct Street) now receive water from the Taunton line as it exits the treatment plant at Elder's Pond.

In 2002, in return for Lakeville appropriating funds to acquire the Betty's Neck land, the Town secured the ability to create a water system in the future. As part of the Betty's Neck agreement, the City of New Bedford agreed to make one million gallons per day (gpd) of water available to Lakeville.¹⁷ However, the Town currently lacks the ability to properly treat this water and therefore is continuing to work with Taunton and New Bedford to establish a municipal water system. However, Taunton officials were concerned that the City's pumping station could not handle the additional demands placed on it by serving Lakeville. As of November 2002, the communities had reached a tentative agreement whereby Taunton would treat up to 150,000 gpd while New Bedford would treat the remaining water pumped to Lakeville (up to 850,000 gpd). However, this issue is still pending.

Municipal Wastewater Disposal System - The Town does not have a wastewater disposal system. All wastewater is disposed through on-site wastewater treatment and disposal systems, such as septic systems. The Town of Middleborough provides municipal wastewater service to the Ocean Spray Headquarters and the Lakeville State Hospital property. In addition, the Blueberry Estates apartment complex on Vaughan Street and the regional schools on Howland Road have package wastewater treatment systems. To date, no efforts have been made to explore the possibility of establishing a wastewater treatment facility. Therefore, residential development must address the issues of wastewater on site.

¹⁷ The agreement also granted permission to Taunton to drain an additional 1 million gpd from the Assawompsett Pond Complex to provide water to its residents.

Administrative Deficiencies

Lakeville does not have a Housing Authority. A Housing Authority, unlike a number of other boards whose activities are mandated by law, operates at the will of the town. Currently there is no single entity responsible for exploring affordable housing options for Lakeville's families and seniors. As a result, the number of affordable housing units developed has been almost nonexistent. It should be the responsibility of a single organization to research the community's needs, develop affordable housing goals and objectives, and identify/implement strategies to achieve desired results.

3.4 Conclusions

Key findings leading to the policy implications discussed above and responsible for influencing the establishment of these goals and the creation of strategies described later in this document include the following:

- In the past three decades, Lakeville's population has grown at a significantly faster rate than the region, and this trend is projected to continue. This rapid growth rate was a key factor in influencing the need for development of a comprehensive and aggressive housing plan.
- The number of elderly residents in Lakeville is expected to increase dramatically in the next 20 years. As a result, there will be increased pressure to meet the demand for housing and services designed to serve this demographic group.
- The Town of Lakeville's resident income levels increased during the 1990s, with the town's median household income exceeding both the county and the state medians. This increase in wealth has influenced the overall costs of housing and will continue to do so. As a result, older Lakeville residents may be faced with few housing options should housing costs exceed their means and younger families seeking to move into Lakeville may be priced out of the market. Housing prices in Lakeville are more affordable than in many Boston area communities. However, the town's housing prices are still out of reach for moderate and low-income households.
- Single-family housing comprises the majority of the town's housing inventory, which is a barrier to certain population groups seeking to enter the Lakeville housing market or modify their housing choice.
- The town has a very limited number of rental units and even fewer of those are vacant. In addition, many renter households pay more than 30% of their income for rent. There is critical need for additional affordable rental units. These units would cater to smaller households comprised of singles, couples, and smaller households with children.
- The town does not have a Housing Authority, an agency responsible for the management and operation of a community's public housing program. In addition, the Town of Lakeville has few housing programs to aid in the development of affordable housing,

- The town's zoning by-law does not encourage affordable housing nor do they allow for a mixture of housing types. In 1972, recognizing that municipal water and sewer would not be available in the foreseeable future, the town voted to increase the residential lot size to 70,000 s.f. (1.7 acres) to protect groundwater quality. This action is regarded as being successful in preventing serious groundwater pollution problems and somewhat successful in slowing development. However, it is also credited with increasing the cost of building lots and creating a sprawling pattern of residential development.

The sections that follow outline the town's affordable housing goals as well as strategies to achieve those goals. In addition, an estimate of the numbers of affordable housing units that the execution of each of the strategies is projected to generate has also been provided below.

4. AFFORDABLE HOUSING GOALS

During the development of the town's Master Plan, numerous meetings and public hearings were held. The following housing goals were developed based on input received during these meetings and the housing study completed as part of the Master Plan. These goals represent the basis on which the housing strategies described later in this document were developed. The goals are as follows.

- **Support elderly and affordable housing opportunities in low- to medium-density settings, consistent with the character of the town.** While Lakeville does provide limited housing for demographic groups such as senior citizens, single persons, and married couples without children, there is a concern that new housing is focused mainly on large single-family houses that are most suitable for families with children. As the town's population of other demographic groups (especially senior citizens) increases, the housing "gap" for these groups will become greater unless this need is addressed. If housing needs remain unmet in Lakeville, these groups will increasingly need to move to other communities to find suitable housing.
- **Identify zoning alternatives for residential development that preserve the town's character and protect its natural resources.** The town's current zoning by-laws do not encourage affordable housing nor do they allow for a mixture of housing types. In 1972, the Town of Lakeville voted to increase the residential lot size to 70,000 s.f. (1.7 acres) to protect groundwater quality. This action is regarded as being successful in preventing serious groundwater pollution problems and somewhat successful in slowing development. However, it is also credited with increasing the cost of building lots and creating a very spread out pattern of residential development. This plan outlines new zoning strategies designed to allow a variety of housing types to be developed in Lakeville without compromising its rural character or natural resources.
- **Form a housing authority and partnership to address Lakeville's affordable housing needs.** As mentioned previously, there is no single entity responsible for exploring affordable housing options for Lakeville's families and seniors. It should be the responsibility of a single organization to research the community's needs, develop affordable housing goals and objectives, and identify/implement strategies to achieve desired results.
- **Meet and surpass the 10% State standard for affordable housing.** There is currently a 331 unit gap between the State's affordable housing standard (10% of the year-round housing stock that has been subsidized by the federal or state government to benefit those earning up to 80% of median income) and the affordable stock currently in place in Lakeville.

5. AFFORDABLE HOUSING STRATEGY

The Town of Lakeville plans to achieve the goals described above through a comprehensive three- part strategy:

1. Revise zoning bylaws to promote affordable housing and housing that meets the needs of all Lakeville citizens.
2. Create local, public organizations to manage and guide affordable housing development efforts.
3. Explore municipal opportunities for the development of affordable housing.

These three strategy areas are designed to be realistic, practical, and consistent with the objectives articulated above. Further, the strategies presented below attempt to respond directly to the Policy Implications identified throughout Chapter 2.

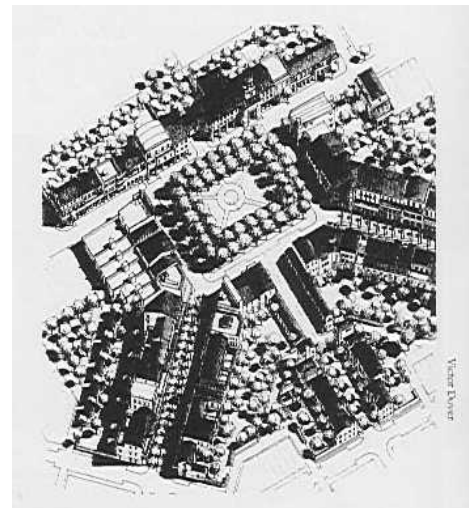
The housing strategies listed below are further detailed in **Figure 1, Housing Suitability/Action Map**. The map shows suitable locations for each type of housing and each housing strategy and also highlights the locations of the proposed 40B developments. This map is consistent with the Town of Lakeville Master Plan and will be used as a guide as the town implements the following housing strategies.

5.1 Zoning Bylaw Revisions

5.1.1 Action Item 1 - Create and Adopt a Senior Village Overlay District

Issue - Lakeville's changing demographics have highlighted a need for a variety of senior housing. According to the 2000 Census, the greatest population growth occurring in Lakeville between 1990 and 2000 was among persons aged 45 to 64. This age cohort grew by 59%, representing 24% of the town's total population in 2000, up from 19% in 1990. The town also experienced a strong increase in the 65+ population, which grew by 32%. The Metropolitan Area Planning Council estimates that the number of persons aged 65 and over will increase by 261% between 2000 and 2020, and that approximately 55% of Lakeville's population will be aged 45 and over by 2020. The increase in the town's senior population carries with it a need for various forms of senior housing, ranging from independent living facilities to assisted living and long-term care facilities. These various housing types need to contain an affordable component and should be designed to be sensitive to Lakeville's valuable natural resources.

Recommended Action – The town will adopt a Senior Village Overlay District. This Senior Village Overlay District (SVOD) will encourage responsible development of a variety of senior housing communities along with the mandated preservation of open space, creation of affordable housing, and protection of historic and



architecturally significant structures. These Senior Villages will be an alternative to conventional residential development and will be permitted by Special Permit granted by the Planning Board. The SVOD concept seeks to accommodate a range of housing types for seniors while fostering innovative site development that is sensitive to the natural features of a site and increases preservation of open space. Using the Senior Village approach, sites may be developed to provide a mix of independent and assisted living facilities in a variety of building types—including traditional detached homes, attached or townhouse single family homes, and multi-family configurations. In a Senior Village development, a site will be developed such that buildings and parking are located in the most suitable areas of the tract, enabling preservation of critical, consolidated areas of open space. It is recommended that the SVOD have a mandated affordable housing provision and that any density bonuses be explicitly tied to additional affordable senior housing. If properly administered, the SVOD could rapidly assist the town in meeting the housing needs of the growing senior population.

Responsible Entity - The Planning Board and the Master Plan Implementation Committee should work together to write a SVOD. The Town Meeting will have to vote the bylaw into law.

5.1.2 Action Item 2 - Permit Apartments Above Retail in Neighborhood Business Districts



Issue – Lakeville’s current Zoning Bylaw does not allow for a wide mixture of housing types. Apartments and smaller units are entirely absent from the Bylaw and are subsequently not constructed by the private sector. This has resulted in an extremely tight rental market coupled with a lack of housing options for commuters, singles, empty nesters, and young couples.

Recommended Action – The recently completed Master Plan for the Town of Lakeville calls for the creation of a new zoning district called the Neighborhood Business District. The

Neighborhood Business District is proposed to be located along critical corridors and intersections including the Four Corners area (See **Figure 1 Housing Suitability/Action Map**). The District is designed to create a more traditional town center form of development with pedestrian friendly design and mixed use. To achieve the mixed use component of the District, the Master Plan recommends that the town permit residential units above first floor commercial uses by Special Permit within the Neighborhood Business District. Small-scale mixed-use structures will not only provide housing opportunities for many Lakeville residents, but will also contribute to the vitality and economic health of the neighborhood business areas. The bylaw is recommended to allow for minor increases in density (See **Section 1.1.5: Transfer of Development Rights**) providing wastewater management is adequately addressed. Further, for projects over 5 units in size, the town will stipulate that at least 10% of the units be affordable in perpetuity. The town will allow payment to an Affordable Housing Trust Fund (See **Section 1.2.1 Affordable Housing Trust Fund**) in lieu of the creation of such affordable units if the creation of such units is not feasible or desired.

Responsible Entity - The Planning Board and the Master Plan Implementation Committee should work together to write mixed use provisions into a Neighborhood Business District. The Town Meeting will have to vote the bylaw into law.

5.1.3 Action Item 3 - Adopt Incentive Zoning

Issue - The Zoning Code neither mandates, nor provides any incentive for the private sector to produce affordable housing. Therefore, the town continues to experience residential growth primarily through the creation of expensive single family subdivisions. This type of development is beginning to impact the town's rural character as well as impact the cost of home ownership within the community.

Recommended Action – Single family housing is a critical component of Lakeville's housing stock. However, the current zoning does not include provisions for the creation of affordable single family housing. Therefore, the Town of Lakeville will adopt 'Incentive Zoning' for the Residential District. Incentive Zoning will continue to permit single family subdivisions by right at a density of one unit per 70,000 sq. ft. **ONLY** if the subdivisions utilize an open space preservation subdivision design process (See the Town of Lakeville Master Plan for more on this design process) and provide ten percent (10%) of the units as affordable to moderate and low-income families. If a subdivision pursued a conventional design and did not provide affordable units, the maximum density will be one unit per two and one half (2.5) acres. Smaller subdivisions (1-3 lots) will be permitted at one unit per 70,000 if the developer agreed to pay a fee to the Town's Affordable Housing Trust Fund in lieu of an affordable unit. The fee will be calculated based on a formula that will be detailed within the Zoning Bylaw. Existing conforming lots will not be impacted by this bylaw. This type of bylaw has been successfully passed in Ipswich, Massachusetts and effectively provides incentives for smart growth, open space preservation, and the creation of affordable housing. It accomplishes these goals without increasing density and without the appearance of infringing on private property rights. Between 1990 and 2000, 494 single family housing units were constructed in the town of Lakeville. If Incentive Zoning had been in place during that time, the Town of Lakeville would have produced approximately 49 affordable single family homes.

Responsible Entity - The Planning Board and the Master Plan Implementation Committee should work together to write an Incentive Zoning Bylaw. The Town Meeting will have to vote the bylaw into law.

5.1.4 Action Item 4 - Create and Adopt a Transit Oriented Development Overlay District

Issue – The Town of Lakeville has very few housing options for singles, commuters, empty nesters, newly weds and others who cannot afford a new single family home. Allowing residential units above commercial uses (**See Section 1.1.2**) is one method to create these units, but this process will take time and multiple projects to make an impact. However, the town is fortunate to have a large track of land directly adjacent to the MBTA commuter line station. This land is under considerable pressure to be developed. However, the development potential of this site should take into consideration the close proximity to the commuter line and to the Four Corners Business District. As highlighted in **Table 2-16**, an affordable housing project is already

proposed for this area (The Residences at Lakeville Station). Although this is an ideal setting for dense development, the current proposal is not a mixed use, village style development that would be consistent with the recommendations contained within this plan and the Town of Lakeville Master Plan. In an effort to appropriately plan and manage the growth of this critical area, the town has initiated discussions with the Office of Commonwealth Development regarding the Priority Development Fund. These conversations will be ongoing, but the town's efforts to appropriately plan for this critical area should be supported by the Commonwealth.

Recommended Actions – Governor Romney recently announced the creation of the Priority Development Fund that would set aside \$22 million for mixed income housing development around transit nodes. The Governor's Press Release of January 26, 2004 read as follows:

The Priority Development Fund is geared primarily toward creating new mixed-income apartment complexes although condominium units that are part of a transit- oriented development will be allowed.

Preference will be given to development projects that meet smart growth criteria. These would include housing developments located in town centers or around train stations, and those that make use of existing infrastructure such as water and sewer lines.

Proposals that provide increased housing affordability, either by creating more low-cost units, reserving units for people with very low incomes or extending affordability for a longer period, will also be prioritized. Housing developments that can attract other private and public resources and that provide family units with three or more bedrooms will also receive preference.



Therefore, the Town of Lakeville will seek to take advantage of this policy by creating a Transit Oriented Development Overlay District (TODOD) for the areas directly surrounding the MBTA station (See **Figure 1 Housing Suitability/Action Map**). The TODOD will allow for a mix of housing types in conjunction with basic neighborhood services designed for commuters. Housing types permitted by the TODOD will include single family, two family, townhouses, multi-family and mixed use structures. The TODOD would encourage responsible development of housing along with the preservation of open space, creation of affordable housing, and the use of a traditional village design. The format of the TODOD would be similar to the Senior Village Overlay District described above, however the target population would obviously differ. Key elements of the TODOD would include pedestrian orientation, flexible parking requirements, wastewater considerations, and a village style design. The TODOD could create a significant number of affordable units that would help the town meet the needs of a variety of Lakeville residents.

For more information on the Priority Development Fund, visit the MassHousing Web site at www.masshousing.com.

Responsible Entity - The Planning Board and the Master Plan Implementation Committee should work together to write a TODOD. The Board of Selectmen should continue to work with the Office of Commonwealth Development to secure Priority Development Funding. Meanwhile, the Board of Selectmen should continue to work with the developer to ensure that the project meets the needs and goals of the town. The Town Meeting will have to vote the bylaw into law.

5.1.5 Action Item 5 - Transfer of Density¹⁸

Issue - Some of the strategies identified in this section would increase the overall buildout of the Town of Lakeville (See Section 2.1.1). Lakeville is a rural community that wishes to remain a rural community and an increase in the overall population could place untold pressure on Lakeville's natural resources and public services and facilities. Therefore, any increase in density associated with the smart growth principles and bylaws recommended by this plan, need to be compensated by a decrease in density elsewhere in the community.

Recommended Action - The town will pursue a Transfer of Development Rights (TDR) program in the future, however such a program may be too complicated and staff-intense to initiate at this time. As an alternative, the town will investigate a more flexible transfer of development rights program that places the administrative burden on the developer as opposed to on the town's staff. Within the Senior Village Overlay District, Transit Oriented Design Overlay District, and the mixed use provisions of the Neighborhood Business District, the town will create bylaw language that includes the possibility for development right transfers, donation of open space, and/or the donation of targeted funds to mitigate for the allowed increases in density¹⁹. The bylaws mentioned above will permit housing at a density that is consistent with the current allowed density. However, if a project proposes an increase in that density, the Transfer of Density Provisions will kick in. The developer will then have an option of transferring density from another parcel that they may own, donating off-site, developable open space to the town, or donating a fee in lieu of an open space donation or transfer of development rights. The town will use the fees collected to purchase open space or Conservation Restrictions. Through the combination of these mechanisms, the community will strive to increase density in some areas while retaining the buildout at its current level.

To ensure that the creative bylaws described above are utilized, the town must establish reasonable density incentive provisions. If the town requires too much open space (or too large a payment-in-lieu) in exchange for the right to build bonus housing units, developers will not take advantage of these creative zoning techniques. If the open space requirement is too low, the town will not be realizing the maximum potential to conserve open space. The payment-in-lieu amount per bonus dwelling unit should be set ahead of time by the Planning Board, but may be

¹⁸ Density transfers are also known as Transfer of Development Rights or TDR.

¹⁹ It is essential that the Town offer a payment-in-lieu option in order to encourage developers to use this development method. Without such an option, it becomes extremely difficult for a developer to coordinate the timing of two or more land purchases and a development review process at the same time, and the result is often that the provision is never used. This unfortunate outcome has been the fate of several Transfer of Development Rights bylaws in Massachusetts. In addition, the payment-in-lieu option can actually be advantageous to the Town because it allows the Town to protect the highest priority lands and to seek matching grant funds to conserve even more land.

changed from time to time. The payment-in-lieu should be some percentage of the estimated additional marginal profit that the developer could earn by building each bonus unit.²⁰

Responsible Entity - The Planning Board and the Master Plan Implementation Committee should work together to write transfer of development provisions into existing and proposed bylaws. The Town Meeting will have to vote the bylaw(s) into law.

5.1.6 Action Item 5 - Tighten Accessory Apartment Regulations

Issue – Lakeville currently permits attached accessory apartments by right within the Residential District. Although the community recognizes the positive attributes of accessory apartments, there is concern that this provision could potentially increase the overall buildout of the community. The town would like to continue to permit accessory apartments, but would also like to increase the community’s flexibility when approving such structures

Recommended Action – The town will amend the Zoning Bylaw to allow Accessory Apartments by Special Permit granted by the Planning Board. Further, the definition of accessory apartment will be modified to include converted freestanding structures as well as attached apartments. Free standing structures such as garages, barns, and cottages could easily blend into the existing landscape and character of Lakeville’s Residential District. Other regulations such as parking requirements, and design review are suggested to be added to the review process as well. Further, the town may wish to allow a streamlined approval process for those accessory units that provide a deed restriction that would stipulate the unit’s affordability in perpetuity (**See Section 5.3.4**).



By allowing more review of accessory residential structures, the town hopes to permit appropriate accessory units that provide housing for those in need.

Responsible Entity - The Planning Board should tighten accessory apartment regulations. The Town Meeting will have to vote the bylaw into law.

²⁰ For the bonus units, generally there is little or no additional marginal cost for land, infrastructure, engineering, or permitting—since these are all fixed costs associated with the project as a whole. Thus, the marginal profit per bonus unit is the sale price of the unit minus the cost of building and marketing the unit. This marginal profit figure can be estimated from information on comparable projects in the area. The payment in lieu should be some fraction (e.g., two-thirds) of the estimated marginal profit per unit in order to give the developer adequate incentive to use the bonus provisions.

5.2 Affordable Housing Organizations and Programs

5.2.1 Action Item 6 - Establish a Housing Authority

Issue - Currently there is no single entity responsible for exploring affordable housing options for Lakeville's families and seniors. It should be the responsibility of a single organization to research the community's needs, develop affordable housing goals and objectives, and identify/implement strategies to achieve desired results.

Recommended Action – The Town of Lakeville will take the necessary steps to establish a Housing Authority. The Lakeville Housing Authority members will be become trained in housing and Massachusetts housing programs. After a period of training, the Board of Selectmen will petition the Authority to begin the process of actually constructing new affordable housing units. The Housing Authority will be the lead town agency for creating new affordable housing units funded by or associated with the public sector. An example of how the Housing Authority could create affordable units is detailed in **Section 5.3.4**.

Responsible Entity – The Board of Selectmen should establish a Housing Authority.

5.2.2 Action Item 7 - Create an Affordable Housing Trust Fund

Issue – The town does not have a dedicated source of funding for affordable housing projects and programs.

Recommended Action – Affordable Housing Trust Funds are public funds established by legislation, ordinance or resolution to receive specific revenues that can only be spent on housing. Trust funds provide a flexible vehicle through which resources may be committed to the production and/or preservation of affordable housing. Dedicated, predictable, and ongoing sources of revenue, such as linkage payments, specific taxes (hotel tax), fees, inclusionary housing mandates, and loan repayments are desirable, however even one time donations proceeds from the sale of property, or negotiated contributions may be used to build the funds revenue. Once the Affordable Housing Trust Fund is up and running, the town will establish a program to accept donations from local companies to supplement the other funding mechanisms such as the payment in lieu provisions recommended in the bylaws contained within this Plan.

Responsible Entity – The Board of Selectmen should create an Affordable Housing Trust Fund.

5.2.3 Action item 8 – Establish a Housing Partnership

Issue – The town does not have an organization that addresses the wide variety of topics related to housing.

Recommended Action – After the town creates a Housing Authority, the town will take the necessary steps to establish a Housing Partnership. This organization would be a clearing house for all housing information, programs, and strategies. They would review proposed town policies for their effect on the housing market, and they would propose strategies to help address housing needs as they may arise. Further, they will serve as the lead negotiator for future 40B developments and will advise the Board of Selectmen and Zoning Board of Appeals on

affordable housing issues and projects. They will work to cultivate appropriate projects and guide them through the permitting process.

For more information on Housing Partnerships please see the following web page: <http://www.mhp.net/termsheets/housingpartnerships.pdf>

Responsible Entity – The Board of Selectmen should establish a Housing Partnership.

5.3 Municipal Development Opportunities

5.3.1 Action Item 8 - Study Opportunities for Adaptive Reuse

Issue – In the future, Lakeville may have municipal structures that become abandoned, underutilized, or functionally obsolete.

Recommended Action – The Town of Lakeville will study the potential for reusing these structures as the need arises. Reusing these properties as housing is a strategy that enables the community to accommodate growth in established locations instead of on green space and at the same time preserve or restore the architectural fabric of the community. Potential reuse structures in Lakeville include the police station and the assessor's building. The Housing Partnership could be tasked with overseeing this process.

Responsible Entity – The Housing Partnership should study opportunities for adaptive reuse. Their recommendations could be passed onto the Board of Selectmen and the Housing Authority for further action.

5.3.2 Action Item 9 - Study Town Property and Tax Title Property

Issue – There may be town-owned property that could accommodate some affordable housing. Future tax title property may also provide the community with opportunities to construct affordable housing for its residents.

Recommended Action – The town will study municipal land holdings to determine if any are appropriate for affordable housing. The town has conducted preliminary analysis and has not identified any specific properties at this time. In the future, whenever the community analyzes property for future municipal uses, affordable housing potential will be taken into consideration. Again, the Housing Partnership could conduct the study. If any parcel is determined to have potential, land planners or other consultants could be hired to conduct a more rigorous analysis of the property. If a property is deemed appropriate for the construction of affordable housing, the town will work with a nonprofit developer and target the disposition of the property for the specific purpose of creating affordable housing. The town will retain control over the review process and will structure the deed in such a way as to protect the community and public interest.

The town will analyze future tax title properties as to their potential for affordable housing. Tax title properties are land and/or buildings that are in the process of being taken by the municipality because the owner has failed to pay property taxes.

Often, the process of tax taking and foreclosure takes years, but communities recently received new tools for intervening in the tax title process, thanks to An Act Returning Tax Title Properties to Productive Use, a new law that took effect in April, 2002. Municipalities may now:

- Abate up to 75% of taxes and 100% of interest and penalties owed on property that will be turned into affordable housing;
- Expedite the foreclosure process in cases where the redemption amount exceeds the value of the property; and
- Accept a deed-in-lieu of foreclosure to get the property back on the tax roll rather than incur the cost of a full foreclosure proceeding.

Responsible Entity – The Housing Partnership should study opportunities for housing on town owned property and tax title property.

5.3.3 Action Item 10 – Continue to Guide and Approve Appropriate Comprehensive Permits

Issue – Lakeville has hundreds of 40B units in the development pipeline. Many of these potential projects may be inappropriate for Lakeville and may be inconsistent with the Town of Lakeville Master Plan. However, several of these projects may well be consistent with the Master Plan and the goals of this plan and should be supported and cultivated.

Recommended Action – The town has been very successful in working with 40B developers to help create projects that create housing that is affordable across a wide range of incomes while protecting the town’s critical resources and community character. The town will continue to review and permit appropriate 40B developments. The Housing Partnership will serve a critical role in this process in the future.

Responsible Entity – The Board of Selectmen should continue to guide and approve appropriate Comprehensive Permits until a Housing Partnership is established at which time, the Partnership should take over initial negotiations.

5.3.4 Action Item 11 – Provide Tax Incentives for Deed Restricting Dwelling Units as Affordable in Perpetuity.

Issue – There is very little incentive for property owners to provide affordable dwelling units. For example, although the lakeside cottages are being converted to year-long residences, none of these potential affordable units are deed restricted for affordability. Similarly, when an accessory dwelling unit is added to an existing home, the property owner has no incentive to provide that unit as an ‘affordable unit’. The town should create a mechanism to provide an incentive to deed restrict these properties as affordable in perpetuity.

Recommended Action – Following the model of other communities such as Marion, MA, the Town of Lakeville will pass a bylaw to allow property owners to deed restrict their property as affordable in exchange for a tax deduction on that property. The Housing Authority will be charged with administering and monitoring the program. In addition, the Housing Authority will be charged with actively pursuing units and property owners that could benefit from the program

and they will also work with the permitting boards to ensure that future accessory units and lakeside conversions take advantage of the tax incentives. The town anticipates that approximately ten units can be made affordable in this manner per year.

Responsible Entity – The Board of Selectmen should work with the Planning Board to write a Tax Incentive for Deed Restriction Bylaw. The Town Meeting will need to pass the bylaw into law.

5.4 Conclusions

The housing strategies outlined above, form a comprehensive and complex web that directly relates to the policy implications, gap analysis, and housing goals identified in this Plan. The town is confident that the goals and strategies set forth in this document will help to diversify Lakeville's housing stock and provide alternative housing options for Lakeville's residents.

Table 5.1 outlines the number of affordable housing units that the implementation of these strategies is projected to generate. This table reflects the goals of town, but is limited in its accuracy as it does not consider how market forces might influence the development of additional units. However, the final estimates for housing units created through year end 2007 relate favorably to the housing gap as highlighted in **Table 3-1** and **Table 3-2**. Therefore, the comprehensive housing strategy for the Town of Lakeville will, over time, adequately address the housing needs for all the town's residents.

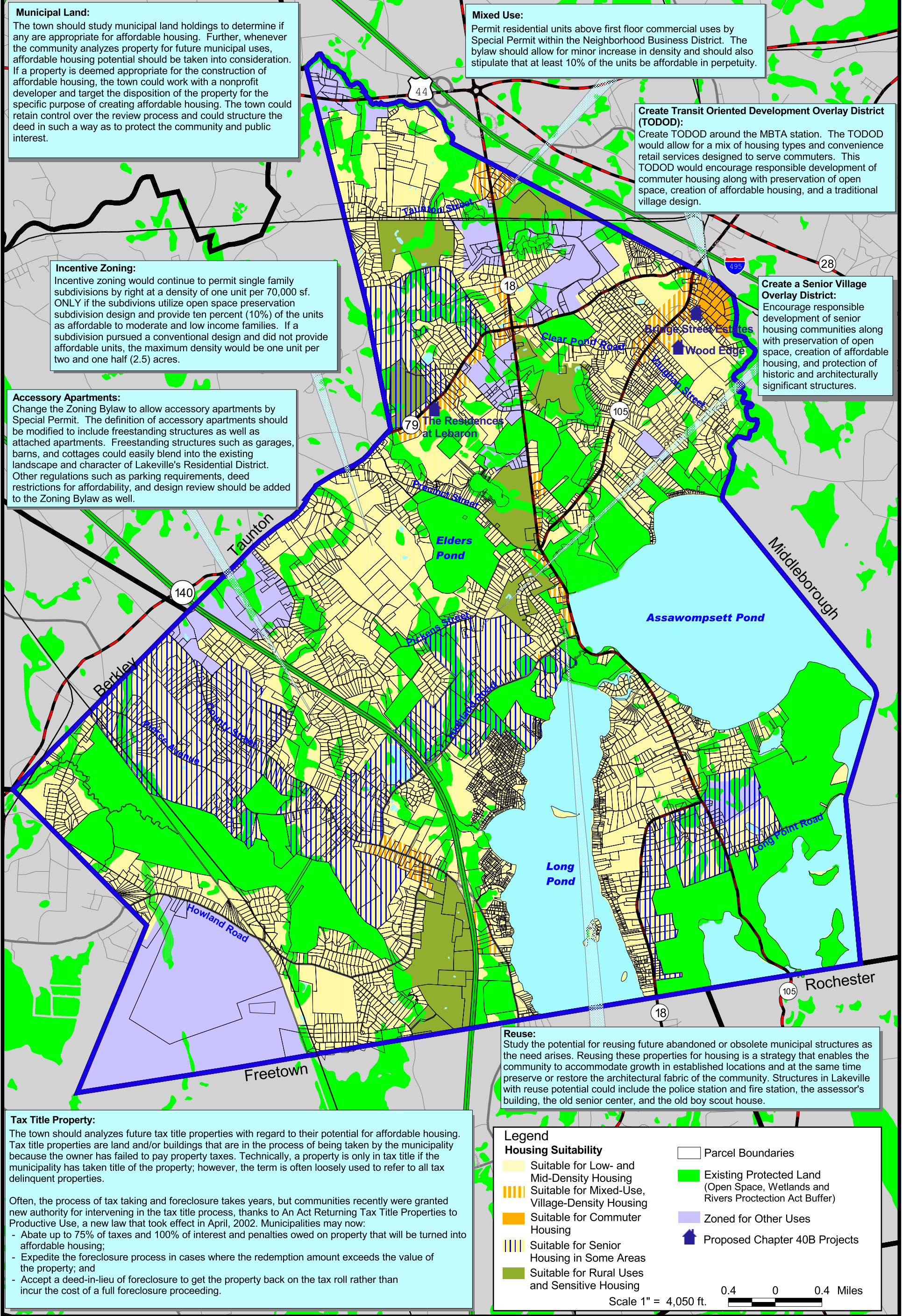
Table 5-1
Summary of Housing Development and Strategies, Year-End 2007

Project/Strategy	Status	Total Units	Total Affordable Units²¹	Time Frame for Completion	Comments
Woods Edge	Approved	36	18	2006	36 detached single-family units on 41.6 acres. Project is age restricted (55+).
Bridge Street Estates	Approved	12	3	2006	Project is age restricted (55+).
The Residences at Lakeville Station: Oxford Development	Preliminary Application Submitted	192	77 (192 would count towards affordable goal)	2007	Rental. Located in the proposed location of the TODOD (See 5.1.3).
Lakeville Hospital	Design Negotiation	80	20	2007	Part of the redevelopment of the old State Hospital Site. Age restricted (55+)
The Residences at LeBaron Hills	DHCD Negotiation. Project is supported by the town.	386	94	2007	386 total units on 168.5 acres. 80 cottage style duplexes, 1 assisted living facility, and 2 independent living facilities. Project is age restricted (55+).
Incentive Zoning	Need Town Meeting vote	NA	5 per year	2005	Depends on rate of subdivision growth
Mixed Use In Neighborhood Business	Need Town Meeting vote	10 per year	2 per year	2004	
Senior Village Overlay District	Need Town Meeting vote	20 per year	4 per year	2006	
Transportation Overlay District	Need Town Meeting vote	200	75	2006	
Accessory Apartment	Need Town Meeting Vote	4 per year	1 per year	2005	
Adaptive Reuse	Pre-Planning	7	3	2007	
Town/Tax Title Property	Pre-Planning	10	5	2007	
Tax Incentive	Needs Town Meeting Vote	10 per year	10 per year	2005	
Total Units		1,025²¹	467^{22,22}		

²¹ For policy strategies the number of affordable housing units is a goal set by the community. These numbers will be directly tied to the private sector's ability to take advantage of these new bylaws and policies.

²² This figure includes total projected units through the end of 2007 based on the estimated year of completion. For example, a project that generates 2 units per year and starts in 2005 will generate a total of 6 units.

²² This figure includes the 192 rental units from the Residences at Lakeville Station per 40B regulations.



It is the end user's responsibility to verify the accuracy and appropriateness of the data contained herein. Use of this map constitutes agreement with the terms of the Daylor GIS Data Disclaimer.

A

[This is a form document. Specific Affordable Housing Restrictions will require revisions to reflect specific program and affordability requirements.]

AFFORDABLE HOUSING RESTRICTION (the “Restriction”)

from _____ (“Grantee”)

to Town of _____, acting by the _____

dated _____, 200__

WITNESSETH:

[Insert factual recitals here. For samples, see document no. 211381.]

1. Right of First Refusal: (a) When the Grantee or any successor in title to the Grantee shall desire to sell, dispose of or otherwise convey the Property, or any portion thereof the Grantee shall first notify the Municipality in writing of the Grantee's intention to so convey the property (the “Notice”). The Municipality shall forthwith determine the Maximum Re-sale Price, which is calculated by multiplying the area median income for a four-person household by the Maximum Re-sale Price Multiplier as set forth above. Upon determination of the Maximum Re-sale Price the Grantee shall give notice to the Municipality, that the Grantee intends to sell the Property, and advising the Municipality of a 30-day right of first refusal in favor of the Municipality. Within thirty (30) days of the giving of the Notice by the Grantee, the Municipality shall notify the Grantee in writing as to whether the Municipality is proceeding to locate an eligible purchaser of the Property or whether the Municipality shall exercise its right of first refusal to purchase the Property (the “Municipality's Notice”). For the purpose of this Restriction, an “eligible purchaser” shall mean a household whose income is no greater than 80% of the area median income for a four-person household at the time of purchase, and who, if located by the Municipality, is ready and willing to purchase the Property within ninety (90) days after the Grantee gives the Notice.

(b) In the event the Municipality, within said thirty (30) day period, notifies the Grantee that the Municipality is proceeding to locate an eligible purchaser or that the Municipality shall exercise the Municipality's right of first refusal to purchase the Property, the Municipality may locate an eligible purchaser, who shall purchase the Property at the Maximum Re-sale Price subject to a Deed Rider in substantially the same form as this Restriction, within ninety (90) days of the date that the Notice is given, or the Municipality may purchase the Property itself at the Maximum Re-sale Price within ninety (90) days of the date that the Notice is given. If more than one eligible purchaser is located by the Municipality, the Municipality shall conduct a lottery or other like procedure to determine which eligible purchaser shall be entitled to the conveyance of the Property.

(c) In the event that (i) the Municipality's Notice states that the Municipality does not intend to proceed to locate an eligible purchaser and that the Municipality does not intend to exercise its right of first refusal to purchase the Property, or the Municipality fails to give the Municipality's Notice within thirty (30) days, the Grantee must use diligent efforts to find an eligible purchaser within a one hundred twenty (120) day period from the date the Property is put on the market, as determined by the date of the first advertisement for sale, as set forth below. The term "diligent efforts" as used herein shall mean (A) the placement of an advertisement in the real estate section of at least one newspaper of general circulation for a period of three consecutive weeks which sets forth a customary description of the unit for sale, the Maximum Re-sale Price as determined by the Municipality, the Grantee's telephone number, and the phrase: *"Sale of unit subject to certain guidelines and restrictions with respect to the maintenance and retention of affordable housing for households of low and moderate income."* and (B) the receipt of satisfactory evidence that the new purchaser qualifies as an eligible purchaser. If the Grantee is unable to locate an eligible purchaser within one hundred twenty (120) days from the date the Property is put on the market, the Grantee may convey the Property to any third party at a price no less than the fair market value of the Property, free of all restrictions set forth herein, provided, however, that prior to the conveyance of the Property at fair market value, the Grantee shall first give notice to the Municipality of the Grantee's intent to convey the Property at fair market value (the "Second Notice"), and the Municipality shall have a second right of first refusal to purchase the Property at the Maximum Re-sale Price for a period of thirty days commencing on the date of the Municipality's receipt of the Second Notice.

(d) In the event that the Property is sold to a third party at fair market value as provided under this Section, all consideration and payments of any kind received by the Grantee for the conveyance of the Property to the third party which exceeds the Maximum Re-sale Price shall be immediately and directly paid to the Municipality (the "Windfall Amount"). Upon receipt of this Windfall Amount, if any, the Municipality, shall issue to the third party a certificate in recordable form (the "Compliance Certificate") indicating the Municipality's receipt of the excess amount. This Compliance Certificate is to be recorded in the appropriate Registry of Deeds or registered with the appropriate Registry District of the Land Court and such Compliance Certificate may be relied upon by the then owner of the Property and by third parties as constituting conclusive evidence that such excess amount, if any, has been paid to the Municipality, or that no excess amount is payable, and that the rights, restrictions, agreements and covenants set forth herein are null and void. The sale price to a third party shall be subject to the Municipality's approval, and the Municipality may withhold its approval if in its sole judgment the purchase price is not consistent with the requirements of this Restriction.

(e) If an eligible purchaser is selected to purchase the Property, or if the Municipality elects to purchase the Property, the Property shall be conveyed by the Grantee to such eligible purchaser or to the Municipality, as the case may be, by a good and sufficient quitclaim deed conveying a good and clear record and marketable title to the Property free from all encumbrances except (i) such taxes for the then current year as are not due and payable on the date of delivery of the deed, (ii) any lien for municipal betterments assessed after the date of the Notice, (iii) provisions of local building and zoning laws, (iv) all easements, restrictions, covenants and agreements of record specified in the Deed of the Property to the Grantee, (v)

such additional easements, restrictions, covenants and agreements of record as the Municipality consents to, such consent not to be unreasonably withheld or delayed, and (vi) in the event that the Property is conveyed to an eligible purchaser, a Deed Rider satisfactory in form and substance to the Municipality which the Grantee hereby agrees to annex to said deed.

(f) Said deed shall be delivered and the purchase price paid (the "Closing") at the Registry of Deeds in the County where the Property is located, or at the option of the eligible purchaser (or the Municipality, as the case may be, if the Municipality is purchasing the Property), exercised by written notice to the Grantee at least five (5) days prior to the delivery of the deed, at such other place as the eligible purchaser (or the Municipality, as the case may be, if the Municipality is purchasing the Property) may designate in said notice. The Closing shall occur at such time and on such date as shall be specified in a written notice from the eligible purchaser (or the Municipality, as the case may be, if the Municipality is purchasing the Property) to the Grantee, which date shall be at least five (5) days after the date on which such notice is given, and if the eligible purchaser is a purchaser located by the Municipality, or if the Municipality is purchasing the Property no later than ninety (90) days after the Notice is given by the Grantee.

(g) To enable Grantee to make conveyance as herein provided, Grantee may if she so desires at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests; all instruments so procured to be recorded simultaneously with the delivery of said deed.

(h) Water and sewer charges and taxes for the then current tax period shall be apportioned and fuel value and any common area charges or association fees, if any, shall be adjusted as of the date of Closing and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the eligible purchaser or by the Municipality.

(i) Full possession of the Property free from all occupants is to be delivered at the time of the Closing, the Property to be then in the same condition as it is in on the date on which the Grantee acquired the Property, reasonable wear and tear only excepted.

(j) If Grantee shall be unable to give title or to make conveyance as above stipulated, or if any change of condition in the Property not included in the above exception shall occur, then the Closing shall be extended for up to thirty (30) days and Grantee shall remove any defect in title or to restore the Property to the condition hereby provided for. The Grantee shall use best efforts to remove any such defects in the title whether voluntary or involuntary and to restore the Property to the extent permitted by insurance proceeds or condemnation award. The eligible purchaser (or the Municipality, as the case may be, if the Municipality is purchasing the Property) shall have the election, at either the original or any extended time for performance, to accept such title as the Grantee can deliver to the Property in its then condition and to pay therefore the purchase price without deduction, in which case the Grantee shall convey such title, except that in the event of such conveyance in accordance with the provisions of this clause, if the Property shall have been taken by a public authority, then the Grantee shall, unless the Grantee has previously restored the Property to its former condition, either:

- (i) pay over or assign to the eligible purchaser or the Municipality, as the case may be, on delivery of the deed, all amounts recovered or recoverable on account of such insurance or condemnation award less any amounts reasonable expended by the Grantee for the partial restoration, or
- (ii) if a holder of a mortgage on the Property shall not permit the insurance proceeds or the condemnation award or part thereof to be used to restore the Property to, its former condition or to be so paid over or assigned, give to the eligible purchaser or to the Municipality, as the case may be, a credit against the purchase price, on delivery of the deed, equal to said amounts so retained by the holder of the said mortgage less any amounts reasonable expended by the Grantee for any partial restoration

2. Right of First Refusal Upon Foreclosure: (a) In the event that a holder of a first mortgage encumbering the Property gives the Municipality notice of its intent to foreclose upon its mortgage or to accept a deed in lieu of foreclosure pursuant to the provisions of Section 5(a) of this Restriction (the "Foreclosure Notice"), the Grantee shall offer the Property for sale to the Municipality at a price equal to the Maximum Re-Sale Price, and the Municipality shall have the option, subject to appropriation, to purchase the Property at said price pursuant to the terms and procedures set out in Section 1, subsections 1(e)-(j) above, and the word "Notice" in said subsections shall mean the Foreclosure Notice. The Municipality shall also have the option, in the alternative, also subject to appropriation, to cure whatever default(s) have entitled the mortgage holder to issue the Foreclosure Notice (the "Municipality's Option"). Within thirty (30) days of its receipt of the Foreclosure Notice, the Municipality shall notify the Grantee and the mortgage holder as to whether the Municipality will be exercising its Option to purchase the Property or cure the default(s) pursuant to the terms of this section. The Municipality's Option may be assigned to an eligible purchaser.

(b) In the event that the Municipality or the Municipality's assignee, within said thirty (30) day period, exercises its Option hereunder, the Municipality, or the Municipality's assignee as the case may be, shall either purchase the Property at the Maximum Re-sale Price, or cure the default(s), within ninety (90) days of the date that the Foreclosure Notice is given. In the event that the Municipality or the Municipality's assignee elects to cure the default(s) in lieu of purchasing the Property, the Municipality or its assignee may attach a lien on the Property subordinate to all pre-existing mortgages and liens for any expenses incurred by the Municipality or its assignee in curing said default(s). In the event that the Municipality or the Municipality's assignee notifies the Grantee and the mortgage holder within said thirty (30) days that it does not intend to exercise the Municipality's Option, or if the Municipality or the Municipality's assignee does not exercise the Municipality's Option within said thirty (30) day period, or if the Municipality or the Municipality's assignee exercises the Municipality's Option within said thirty (30) day period but does not either purchase the Property or cure the default(s) within said ninety (90) day period, the mortgage holder may proceed to foreclose upon its mortgage, or accept a deed in lieu of foreclosure, subject to the provisions of Section 5 herein.

3. Resale and Transfer Restrictions: Except as otherwise stated herein, the Property or any interest therein, shall not at any time be sold by the Grantee, the Grantee's successors and assigns, and no attempted sale shall be valid, unless:

(a) the aggregate value of all consideration and payments of every kind given or paid by the eligible purchaser (as located and defined in accordance with Section 1 above) or the Municipality, as the case may be, to the then owner of the Property for and in connection with the transfer of such Property, subject to customary closing adjustments for fuel, taxes, or similar items, is equal to or less than the Maximum Resale Price for the Property, and (i) if the Property is conveyed to an eligible purchaser, a certificate (the "Eligible Purchaser Certificate") is obtained and recorded, signed and acknowledged by the Municipality which Eligible Purchaser Certificate refers to the Property, the Grantee, the eligible purchaser thereof and the Maximum Resale Price therefore, and states that the proposed conveyance, sale or transfer of the Property to the eligible purchaser is in compliance with this Restriction, and there is also recorded a new Deed Rider executed by the eligible purchaser which new Deed Rider the Eligible Purchaser Certificate certifies is satisfactory in form and substance to the Municipality; (ii) if the Property is conveyed to the Municipality, a Certificate (the "Municipal Purchaser Certificate") is obtained from the Municipality and recorded with the Registry of Deeds, which Municipal Purchaser Certificate refers to the Property, the Grantee, and the Municipality, and states that the proposed conveyance, sale or transfer of the Property to the Municipality is in compliance with the rights, restrictions, covenants and agreements contained in this Restriction and there is also recorded a new Deed Rider which Deed Rider is satisfactory in form and substance to the Municipality, or

(b) if the Property is conveyed to a third party in accordance with Section 1(d), the Municipality executes and delivers the Compliance Certificate in accordance with Section 1(d);

Any good faith purchaser of the Property, any lender or other party taking a security interest in such Property and any other third party may rely upon a Compliance Certificate or an Eligible Purchaser Certificate or a Municipal Purchaser Certificate referring to the Property as conclusive evidence of the matters stated therein and may record such Certificate in connection with conveyance of the Property, provided, in the case of an Eligible Purchaser Certificate and a Municipal Purchaser Certificate the consideration recited in the deed or other instrument conveying the Property upon such resale shall not be greater than the maximum permitted price stated in the Eligible Purchaser Certificate or the Municipal Purchaser Certificate as the case may be.

Within ten (10) days of the closing of the conveyance of the Property to the Grantee, the Grantee shall deliver to the Municipality a true and certified copy of the deed of the Property, together with information as to the place of recording thereof in the public records. Failure of the Grantee, or Grantee's successors or assigns to comply with the preceding sentence shall not affect the validity of such conveyance.

The Grantee understands and agrees that nothing in this Restriction in any way constitutes a promise or guarantee by the Municipality that the Grantee shall actually receive the Maximum Resale Price for the Property or any other price for the Property.

4. Restrictions Against Leasing and Junior Encumbrances: The Property shall not be leased, refinanced, encumbered (voluntarily or otherwise) or mortgaged without the prior written consent of the Municipality, provided, however, that this provision shall not apply to a first mortgage granted in connection with this conveyance. In other words, **the Grantee must occupy the Property as his/her year-round residence, and may not rent any portion of the Property without the express written consent of the Municipality.**

Any rents, profits, or proceeds from any transaction described in the last preceding sentence which transaction has not received the prior written consent of the Municipality shall be paid to and be the property of the Municipality. In the event that the Municipality, in the exercise of its absolute discretion, consent to any such lease, refinancing, encumbrance or mortgage, it shall be a condition to such consent that all rents, profits or proceeds from such transaction which exceed the carrying costs of the Property as determined by the Monitoring Agent in its sole discretion shall be paid to and be the property of the Municipality. Notwithstanding the restrictions outlined in the paragraph above, any Property purchased by the Municipality, under its Right of First Refusal, may be rented by the Municipality, at its discretion.

5. Rights of Mortgagees: (a) Notwithstanding anything herein to the contrary, but subject to the next succeeding paragraph hereof, if the holder of record (other than the Grantee or any person related to the Grantee by blood, adoption, or marriage, or any entity in which the Grantee has a financial interest (an "Interested Party")) of an eligible mortgage (as herein defined) granted to a state or national bank, state or federal savings and loan association, cooperative bank, mortgage company, trust company, insurance company or other institutional lender or its successors or assigns (other than an Interested Party) shall acquire the Property by reason of foreclosure or similar remedial action under the provisions of such mortgage or upon conveyance of the Property in lieu of foreclosure, and provided that such holder has given the Municipality not less than ninety (90) days prior written notice of its intention to foreclose upon its mortgage or to accept a conveyance of the Property in lieu of foreclosure and has complied with the provisions of Section 2 herein, the rights and restrictions contained herein shall not apply to such holder upon such acquisition of the Property or any purchaser (other than an Interested Party) of the Property at a foreclosure sale conducted by such holder, or any purchaser (other than an Interested Party) of the Property from such holder, and subject to the disposition of proceeds established in Paragraph 5(b) hereof such Property shall thereupon and thereafter be free from all such rights and restrictions. For purposes of this Restriction an eligible mortgage shall be a first mortgage encumbering only the Property and in an original principal amount not to exceed ninety-five (95%) percent of the sale price stated in the Compliance Certificate recorded with the mortgagor's deed. Any foreclosing mortgagee holding a mortgage which is not an eligible mortgage shall not be entitled to the protections of this section and shall be deemed to be an owner subject to all the restrictions and obligations of an owner under this Restriction.

(b) In the event such holder of an eligible mortgage conducts a foreclosure or other proceeding enforcing its rights under such mortgage or if the Property is conveyed to such holder in lieu of foreclosure and the Property is sold for a price in excess of the sum of the outstanding principal balance of the note secured by such mortgage plus all accrued interest and all reasonable costs and expenses which the holder is entitled to recover pursuant to the terms of the mortgage (the "Mortgagee's Costs"), the holder of said mortgage shall pay to the Municipality

any amount received from such foreclosure proceeding that exceeds the greater of (i) the Mortgagee's Costs; and (ii) the Maximum Resale Price applicable on the date of the sale. Such excess (the "Foreclosure Recapture Amount") shall be paid to the Municipality in consideration of the loss of the value and benefit of the rights and restrictions herein contained held by the Municipality and released by the Municipality pursuant to this section in connection with such proceeding. To the extent the Grantee possesses any interest in any amount which would otherwise be payable to the Municipality under this paragraph, to the fullest extent permissible by law, the Grantee hereby assigns its interest in such amount to said holder for payment to the Municipality.

6. Covenants to Run With the Property: (a) The Grantee, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants and assigns to the Municipality, the Municipality's agents, successors, designees and assigns the right of first refusal to purchase the Property as set forth herein, and the right to enforce the rights and restrictions, covenants and agreement set forth in this Restriction. The Grantee hereby grants to the Municipality the right to enter upon the Property for the purpose of enforcing any and all of the restrictions, covenants and agreements herein contained, and of taking all actions with respect to the Property which the Municipality may determine to be necessary or appropriate, with or without court order, to prevent, remedy or abate any violation of the restrictions, covenants and agreements set forth herein. The rights hereby granted to the Municipality shall be in addition to and not in limitation of any other rights and remedies available to the Municipality for enforcement of the restrictions, rights, covenants and agreements set forth in this Restriction. It is intended and agreed that all of the agreements, covenants, rights and restrictions set forth above shall be deemed to be covenants running with the Property and shall be binding upon and enforceable against the Grantee, the Grantee's successors and assigns and any party holding title to the Property for the benefit of and enforceable by the Municipality and its agents, successors, designees and assigns until the earlier to occur of: (i) fifty (50) years from the date of this Restriction, (ii) the recording of a Compliance Certificate, or (iii) the recording of an Eligible Purchaser Certificate and a Deed Rider executed by the eligible purchaser referenced in the Eligible Purchaser Certificate, which Deed Rider the Eligible Purchaser Certificate certifies is in form and substance satisfactory to the Municipality as set forth herein. The Municipality shall be entitled to a fee of one-half of one percent of the sales price of the Property to an eligible purchaser for the services performed in monitoring compliance with this Restriction. This fee shall be paid by the Grantee hereunder as a closing cost at the time of closing, and payment of the fee of the Municipality shall be a condition to delivery and recording of its certificate, failing which the Municipality shall have a claim against the Grantee and person claiming under the grantee for which the Municipality may seek an attachment against the Property.

(b) This Restriction and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be an affordable housing restriction as that term is defined in M.G.L. c. 184, § 31 and as that term is used in M.G.L. c. 184, § § 26, 31, 32, and 33.

(c) The Grantee intends, declares and covenants on behalf of itself and its successors and assigns (i) that this Restriction and the covenants, agreements, rights and restrictions contained herein shall be and are covenants running with the land, encumbering the Property for the term of this Restriction, and are binding upon the Grantee's successors in title, (ii) are not

merely personal covenants of the Grantee, and (iii) shall bind the Grantee, its successors and assigns and enure to the benefit of the Municipality and its successors and assigns for the term of the Restriction. Grantee hereby agrees that any and all requirements of the laws of the Commonwealth of Massachusetts to be satisfied in order for the provisions of this Restriction to constitute restrictions and covenants running with the land shall be deemed to be satisfied in full and that any requirements of privity of estate are also deemed to be satisfied in full.

(d) Without limitation on any other rights or remedies of the Municipality, its agents, successors, designees and assigns, any sale or other transaction or conveyance of the Property in violation of the provisions of this Restriction, shall, to the maximum extent permitted by law, be voidable by the Municipality or its agents, successors, designees and assigns by suit in equity to enforce such rights, restrictions, covenants, and agreements.

(e) Notwithstanding any other provision in this Restriction, after the end of the fiftieth year from the date this Restriction was first placed on the Property by either this Restriction or a preceding or subsequent deed rider or restriction in substantially similar form and substance (the "Termination Date"), the then owner of the Property then subject to this Restriction may sell the Property at a price equal to the fair market value of the Property as of the date of sale and not subject to this Restriction, provided, however that the owner, at the time of such sale must pay to the Municipality the difference between the fair market value as so determined and the Maximum Resale Price which the owner could realize in a sale to an Eligible Purchaser were this Restriction to have remained in effect, and upon such payment the Property will be deeded free and clear of this Restriction. In the event of any failure of any owner to make a payment under this Restriction, the Municipality shall have the right to seek payment from the purchaser of the Property, and his/her successors and assigns, which right shall be prior to the encumbrance of any mortgage on the Property. The owner of the Property after the Termination Date shall have the right to make a payment by refinancing or from other sources in the same amount to the Municipality as the Municipality would receive were this Restriction to have remained in effect in the event of a sale at fair market value on the date of payment after the Termination Date, and in the event of such a payment the owner shall hold the Property free and clear of this Restriction. The provisions of this paragraph shall survive the expiration of the term of this Restriction.

7. Notice: Any notices, demands or requests that may be given under this Restriction shall be sufficiently served if given in writing and delivered by hand or mailed by certified or registered mail, postage prepaid, return receipt requested, to the parties hereto at the addresses set for below, or such other addresses as may be specified by any party by such notice.

Municipality:

Town of _____

Grantee:

Any such notice, demand or request shall be deemed to have been given on the day it is hand delivered or mailed.

8. Further Assurances: The Grantee agrees from time to time, as may be reasonably required by the Municipality, to furnish the Municipality with a written statement, signed and, if requested, acknowledged, setting forth the condition and occupancy of the Property, information concerning the resale of the Property and all other information pertaining to the Property. The Municipality is authorized to record or file any notices or instruments appropriate to assuring the enforceability of this Restriction; and the Grantee on behalf of herself and her successors and assigns appoints the Municipality her attorney-in-fact to execute, acknowledge and deliver any such instruments on her behalf. Without limiting the foregoing, the Grantee and her successors and assigns agree to execute any such instruments upon request. The benefits of this Restriction shall be in gross and shall be assignable by the Municipality. The Grantee and the Municipality intend that the restrictions arising hereunder take effect upon the date hereof, and to the extent enforceability by any person ever depends upon the approval of governmental officials, such approval when given shall relate back to the date hereof regardless of the date of actual approval or the date of filing or recording of any instrument evidencing such approval.

9. Waiver: Nothing contained herein shall limit the rights of the Municipality to release or waive, from time to time, in whole or in part, any of the rights, restrictions, covenants or agreements contained herein with respect to the Property. Any such release or waiver must be made in writing and must be executed by the Municipality or designee.

10. Severability: If any provisions hereof or the application thereof to any person or circumstance shall come, to any extent, to be invalid or unenforceable, the remainder hereof or the application of such provision to the persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each provision hereof shall be valid and enforced to the fullest extent permitted by law.

[signature page follows]

Executed as a sealed instrument this ____ day of _____, 200__.

Grantee:

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On this ____ day of _____, 200__, before me, the undersigned Notary Public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

(Official Signature and Seal of Notary)

ACCEPTANCE BY MUNICIPALITY OF
GRANT OF AFFORDABLE HOUSING RESTRICTION

The above Restriction is accepted this ____ day of _____, 200__.

TOWN OF _____

By its Board of Selectmen:

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

_____, 200__

On this _____ day of _____, 200__, before me, the undersigned notary public, personally appeared _____ proved to me through satisfactory evidence of identification, which were _____, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Board of Selectmen of the Town of _____.

Notary Public

My commission expires: _____

ACCEPTANCE BY COMMONWEALTH OF
AFFORDABLE HOUSING RESTRICTION

The above Affordable Housing Restriction dated _____, 2004, made and declared by _____, recorded on _____, 2004 with the _____ County Registry of Deeds in Book _____, Page _____, with respect to land in the Town of _____, as more fully described in Exhibit A to said Affordable Housing Restriction, is accepted and approved this ____ day of _____, 2004.

THE COMMONWEALTH OF MASSACHUSETTS
ACTING BY AND THROUGH THE DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT

By: _____
Jane Wallis Gumble, Director

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss. _____, 2004

On this _____ day of _____, 200__, before me, the undersigned notary public, personally appeared Jane Wallis Gumble, Director, Department of Housing and Community Development, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as Director, Department of Housing and Community Development and as The Commonwealth of Massachusetts acting by and through the Department of Housing and Community Development.

Notary Public
My commission expires: _____

Note to Recorder: A marginal note to this instrument must be made on the above-referenced Affordable Housing Restriction.

[This is sample language for the factual recitals of an Affordable Housing Restriction. Specific Affordable Housing Restrictions will require drafting factual recitals that reflect the particular program pursuant to which the Affordable Housing Restriction is granted.]

AFFORDABLE HOUSING RESTRICTION

SAMPLE FACTUAL RECITALS

[The following recitals are a sample for a town program, such as an inclusionary zoning by-law, which has been approved by DHCD as a LIP Program]

WHEREAS, pursuant to M. G. L. c. 40B, §§20-23 (the “Act”) and the final report of the Special Legislative Commission Relative to Low and Moderate Income Housing Provisions issued in April, 1989, regulations have been promulgated at 760 CMR 45.00 et seq. (the “Regulations”) which establish the Local Initiative Program (“LIP”);

WHEREAS, the Commonwealth of Massachusetts, acting by and through its Department of Housing and Community Development (“DHCD”) pursuant to Chapter 23B of the General Laws administers the LIP Program on behalf of the Commonwealth;

WHEREAS, it is the purpose of the LIP Program to give cities and towns greater flexibility in their efforts to provide affordable housing to households having low and moderate incomes;

WHEREAS, the United State Department of Housing and Urban Development (HUD) periodically publishes median income statistics for _____ area (“the area median income”), which is utilized as the basis for defining low and moderate income;

WHEREAS, the Town of _____ (the “Municipality”) acting by and through its Chief Elected Official (as that term is defined in the regulations) has elected to participate in the LIP Program;

WHEREAS, DHCD has determined that the rights and restrictions granted herein to DHCD and to the Municipality serve the public’s interest in the creation and retention of affordable housing for persons and families of low and moderate income and in the restricting of the resale price of property in order to assure its affordability by future low and moderate income purchasers;

WHEREAS, pursuant to the LIP Program, eligible purchasers such as the Grantee are given the opportunity to purchase certain property below the property’s appraised fair market value if the purchaser agrees to convey the property on resale to an income eligible purchaser located by the Municipality or DHCD, to the Municipality, or to DHCD for a “Maximum Resale Price”;

WHEREAS, the Grantor and the Grantee are participating in the LIP Program and the Grantor has been awarded a _____ permit under section _____ of the _____ Zoning Bylaws and in accordance with the LIP Program the Grantor is conveying that certain real property more particularly described in the Deed (“Property”) to the Grantee at a consideration which is less than the appraised fair market value of the Property;

WHEREAS, the “Maximum Resale Price” is intended to insure affordability of the property to a household at _____% of area median income;

WHEREAS, the “Maximum Resale Price” shall be determined by multiplying the area median income most recently published prior to the resale (adjusted for household size and calculated based on average household size), by the “Maximum Resale Price Multiplier” as defined herein. The Maximum Resale Price Multiplier shall be a number derived by dividing the area median income (adjusted for household size) by the original sales price of the unit. [For example, if the original sales price of a one-bedroom affordable unit is \$100,000, and the median income in _____ area for a two-person household is \$50,000, the Maximum Resale Price Multiplier shall be 2. The Maximum Resale Price shall be derived by multiplying the Maximum Resale Price Multiplier (2) by the most recently published area median income.]

WHEREAS, a “Maximum Resale Price Multiplier” equal to _____ is hereby assigned to be used in determining the “Maximum Resale Price” of the Property;

NOW THEREFORE, as further consideration from the Grantee to the Grantor, DHCD and the Municipality for the conveyance of the Property at a discount in accordance with the LIP Program, the Grantee, her heirs, successors and assigns, hereby agrees that the Property shall be subject to the following rights and restrictions which are hereby imposed for the benefit of, and shall be enforceable by, the Grantor’s assignees and designees, the Secretary of the Department of Housing and Community Development, or its successors, assigns, agents and designees (“Secretary”) and the Municipality, acting by and through its Chief Elected Official, its assignees, agents and designees:

[The following recitals were used in the affordable housing restriction in connection with a program in which the Town provides down payment assistance.]

WHEREAS, the Town of Boxborough (the “Municipality” or the “Town”) acting by and through its Housing Board (the “Housing Board”) has created the Condominium Exchange Program through which financial assistance has been made available to first-time homebuyers in the Town;

WHEREAS, the Condominium Exchange Program has been funded through a grant from the Federal Home Loan Bank of Boston (“FHLBB”), acting through the Community National Bank (the “Bank”), under the Federal Housing Finance Board’s Affordable Housing Program, 12 CFR, §951, and through an appropriation of funds by the Town;

WHEREAS, the Grantee is participating in the Condominium Exchange Program, and has been selected by the Housing Board to purchase Unit 628 of the Condominiums at 232 Swanson Road, Boxborough, Massachusetts (the “Property”), the Grantee’s equity investment for which has been reduced by \$30,000.00 as a result of downpayment assistance being offered to the Grantee;

WHEREAS, of the \$30,000.00 being offered as downpayment assistance to the Grantee, \$15,000.00 is in the form of a deferred-payment loan being offered by the FHLBB and the Bank under the Federal Housing Finance Board’s Affordable Housing Program (the “FHLBB Grant”) and \$15,000 is in the form of a grant from the Town (the “Town Grant”).

WHEREAS, pursuant to an Affordable Housing Program Agreement for Owner Occupied Project executed between the FHLBB, the Housing Board, and the Bank, and pursuant to the Housing Board’s Condominium Exchange Program guidelines, eligible purchasers such as the Grantee are given the opportunity to purchase a condominium unit with downpayment assistance if the purchaser agrees to convey the condominium unit on re-sale to an eligible purchaser located by the Housing Board or to the Municipality for a “Maximum Resale Price” that is intended to ensure affordability of the condominium unit to a household earning no greater than fifty/sixty percent (50/60%) of the area median income;

WHEREAS, the “Maximum Resale Price” shall be determined by multiplying the area median income for a four-person household most recently published prior to the resale, by the “Maximum Resale Price Multiplier” as defined herein. The Maximum Resale Price Multiplier shall be a number derived by dividing the original sale price of the unit less the amount of the FHLBB Grant and the Town Grant by the area median income for a four-person household at the time of the initial sale. [For example, if the original formula price of a two-bedroom affordable unit is \$100,000, and the median income for a four-person household in the applicable statistical area (Boston Primary Metropolitan Statistical Area) is \$50,000, the Maximum Resale Price Multiplier shall be 2. The Maximum Resale Price shall be derived by multiplying the Maximum Resale Price Multiplier (2) by the most recently published area median income for a four-person household.]

WHEREAS, the initial sales price of the Property is \$110,000.00; the FHLBB grant is \$15,000.00; the Town Grant is \$15,000.00; the initial sale price of the Property less the FHLBB Grant and the Town Grant is \$80,000.00; and the current area median income for a four (4) person household is 80,800.00, a “Maximum Resale Price Multiplier” equal to 0.99 is hereby assigned to be used in determining the “Maximum Resale Price” of the Property;

WHEREAS, the Housing Board has determined that the rights and restrictions granted herein to the Municipality serve the public's interest in the creation and retention of affordable housing for persons and families of low and moderate income and in the restricting the resale price of property in order to assure its affordability by future low and moderate income purchasers;

NOW THEREFORE, as consideration from the Grantee to the Municipality for the conveyance of the Property with downpayment assistance, the Grantee, her heirs, successors and assigns, hereby agrees that the Property shall be subject to the following rights and restrictions which are hereby imposed for the benefit of and shall be enforceable by, the Municipality acting by and through the Housing Board.